English Translations of

# Majmoo'al-Fatawa of late Scholar Ibn Bazz (R)

## Second Edition

By:

Sheikh `Abdul `Aziz Bin `Abdullah ibn `AbdulRahman ibn Bazz (May Allah forgive and reward *al-Firdouse* to him and his parents)

He was The Mufti of **Kingdom of Saudi Arabia,** Chairman of the Council of Senior Scholars, and Chairman of Department of Scholarly Research and Ifta'

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In the Name of Allah, the Most Gracious, the Most Merciful

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## Chapter on different opinions on the numbers of Talaq

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### 1- Issue on Triple Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother A.M.Gh., may Allah grant you success. Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) **Dear brother, I have received your letter dated 10/6/1390 A.H., may Allah guide you! I have also read the attached paper written by Your Eminence on the manner of Talaq (divorce pronounced by a husband) uttered by the husband S.`A.A. to his wife by his saying: "Your are divorced thrice." The husband was given a Fatwa (legal opinion issued by a qualified Muslim scholar) at Massawa` Court to feed sixty Miskin (needy) people by giving each sixty riyals. A week later, the husband revoked Talaq in the presence of her father and uncle and the judge of Massawa` Court. At the time, he could not afford feeding sixty Miskin, but now he does. He is still detaching himself from his wife and he did not divorce her before this incident. The husband added that his wife does not have a Waliy (a legally accountable person acting for a woman seeking marriage) in the Kingdom. On the other hand, the wife testified to the truth of what her husband said.** Accordingly, I have issued a Fatwa to the said husband that one pronouncement of Talaq has come into effect and the act of revoking his wife to marriage is valid. He does not have to pay Kaffarah (expiation), for this view has no origin in Shari`ah (Islamic law). We do not know any scholar

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who held such a view. There are authentic reports from the Prophet (peace be upon him) that support the issued Fatwa. The husband and wife should be informed of this matter. The husband should be asked to perform Tawbah (repentance to Allah), for he has contradicted the Sunnah. May Allah reward you with the best for your good efforts and support to everybody! As-salamu `alaykum warahmatullah wabarakatuh!

## Issue on triple Talaq with one pronouncement

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, Shaykh M.A.M, may Allah grant you success. Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) **I have perused your explanation dated 21/2/1392 A.H., which I included as a footnote in my letter no. (232) directed to brother S.A.H on 29/2/1392 A.H. I also understood the description of Talaq (divorce pronounced by a husband) you stated in your letter. You mentioned that the husband came with his father-in-law, who said that his daughter does not know the description of Talaq or whether the husband had divorced her before or after that time. She gave birth at the end of Shawwal 1391 A.H. He said that the husband told him that he took his daughter back in marriage**

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**in Ramadan 1391 A.H. and there are witnesses to this. The father and his daughter do not have any objection to get back into his marriage bond if it is permitted by Shari`ah (Islamic law). The husband confessed before you that he divorced her once before according to the Sunnah. I perused the certificate of Talaq dated 29/7/1391 A.H., which reads: Yes, I (so-and-so) have divorced my wife (so-and-so) with my free will three times irrevocably, which makes her forbidden to me. This was testified by `A.F.R, his son, and the scribe. Signatures were made accordingly.**

**I also perused the attached document of revoking Talaq, which reads: We, the undersigned hereto, witness that the husband took his wife (so-and-so) back in marriage in Ramadan 1391 A.H. We witnessed as we heard and Allah is the Best of witnesses. Peace be upon our Prophet Muhammad, his family, and Companions!**

According to what has been mentioned, I gave the husband a Fatwa (legal opinion issued by a qualified Muslim scholar) that he divorced his wife one time according to the mentioned Talaq in addition to the pervious Talaq. She still has one time of Talaq. Also, taking her back in marriage is valid because it was authentically reported from the Prophet (peace be upon him) what indicates this meaning. The husband must perform Tawbah (repentance to Allah) from this Talaq, which is not permissible as you know.

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Kindly inform all parties of my Fatwa if the last Talaq was really uttered as described in the certificate. If he divorced her thrice with one pronouncement, I hope you could send us his exact wordings and suspend this Fatwa until we make sure of what he said because Your Eminence did not ask him about that. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh!

## 3- Issue on triple Talaq with one pronouncement

**A husband came to me and mentioned that he divorced his wife thrice with one pronouncement and that he did not divorce her before or after that. This took place in 1385 A.H. He showed me a document issued by the Supreme Court in Madinah no. (1077) dated 2/11/1385 A.H, which includes his confession of the said Talaq (divorce pronounced by a husband) before His Eminence, Chief Justice of the Supreme Court. Asking the husband whether he took his wife back in marriage, he answered in the negative. He asked me about this form of Talaq** and I gave him a Fatwa (legal opinion issued by a qualified Muslim scholar) to the effect that he has, thus, effected one Talaq, if what he said is the reality. He can return to her with a new marriage contract, if she wants so, since her `Iddah (woman's prescribed waiting period after divorce or widowhood) is already over. This is a controversial matter

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among scholars, but our Fatwa is the preponderant view. It was related in the Sahih (authentic) Book of Hadith of Muslim on the authority of Ibn `Abbas (may Allah be pleased with both of them) that he said, "Triple Talaq with one pronouncement during the lifetime of Allah's Messenger (peace be upon him) and that of Abu Bakr and for two years of the caliphate of `Umar (may Allah be pleased with them) was deemed as one pronouncement effecting Talaq." Written by the humble servant in need of Allah's Forgiveness, `Abdul-`Aziz ibn `Abdullah ibn Baz, Deputy of the President of the Islamic University in Madinah. May Allah forgive me! May Allah's Peace be upon His Servant and Messenger Muhammad, his family, and Companions!

## 4- Ruling on divorcing the wife thrice with one pronouncement two times

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence, Chief Justice of the Court of Bishah, may Allah guide you to all goodness, Amen!

As-salamu `alaykum wa rahmatullah wa barakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I received your letter dated 18/6/1388 A.H. and reviewed the way divorce was pronounced by F. M. F. to his wife; that is, he divorced his wife thrice with one pronouncement (i.e., by saying: "You are divorced thrice").**

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**After sometime this woman married another man, and then was divorced. She then returned to her first husband who after a period of time divorced her thrice with one pronouncement on two separate occasions.** I am of the opinion that he divorced her irrevocably by the last Talaq (divorce pronounced by a husband) and cannot take her back in marriage until she marries a man other than him. Her marriage to another man does not annul the first Talaq, for it is not needed in order to be lawful for her to return to her first husband, if his divorcing her thrice with one pronouncement is considered as one occurrence of Talaq, according to the preponderant and most correct scholarly opinion based upon evidence, as is well-known. If we consider the triple Talaq pronounced as three occurrences of Talaq, then according to the Jumhur (dominant majority of scholars) the last Talaq he gave is considered as three times. In both viewpoints, there is no way to return to her first husband except after she marries another man. I hope Your Eminence will inform all concerned parties of this Fatwa. May Allah reward you with the best and guide you! As-salamu `alaykum wa rahmatullah wa barakatuh!

## 5- Issue on triple Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the dear brother, Your Excellency Judge of the Second Summary Court in Makkah, may Allah guide you to all good! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) **Dear brother, I received your letter no. (2/1187) dated 2/11/1391 A.H., which reads: I send Your Eminence the**



**Fatwa request of S.A.K. I would like to inform Your Eminence that we brought the wife and her father and asked them about what happened. They testified to the truth of what the husband said. The wife said, "He did not divorce me before or after this time. I think that he was compelled to divorce me thrice with one pronouncement. This Talaq (divorce pronounced by a husband) took place two years ago and I have three daughters and a son from him and all of them are alive." This was the statement of the wife, whose identity was confirmed by her father and M.S.M. She and her father expressed their approval to reunite the family, if a Shar`y (Islamically lawful) Fatwa (legal opinion issued by a qualified Muslim scholar) is issued to this effect.**

According to this, I issued a Fatwa to the mentioned husband that the Talaq he gave his wife is counted as one pronouncement effecting Talaq. He is, thus, allowed to return to her by concluding a new marriage contract that meets all the necessary conditions set by Shari`ah (Islamic law), if her `Iddah (a woman's prescribed waiting period after divorce or widowhood) is over. It was authentically reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with both of them) what indicates that such Talaq is counted as one pronouncement effecting Talaq. I hope Your Excellency would inform all parties of this Fatwa and enjoin the husband to observe Tawbah (repentance to Allah) from this Talaq, which is prohibited as it is known to you. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh

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## 6- Issue on triple Talaq with one pronouncement

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother Your Excellency, Judge of Riyadh Court of Social Security, Marriage, Talaq and Guardianship Affairs, may Allah guide you to every good, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) **Dear brother, I received your letter no. (1201) dated 17/10/1391 A.H. in reply to my letter no. (1914) dated 8/10/1391 A.H., may Allah guide you. I also looked into the report attached thereto including your entry to the description of the Talaq (divorce pronounced by a husband) given by the husband B. to his wife. It is registered that he admitted to Your Excellency that he divorced her thrice with one pronouncement, and this was the first Talaq. His divorcee also admitted that she went to her sister's house in the wake of a fight between them, without knowing that he divorced her. She added that she did not know about any other Talaq given by him before or after that. Furthermore, she declared that her menses had permanently halted a year ago due to old age. I also read the document dictated by Your Excellency no. (463) on 8/3/1391 A.H. concerning the mentioned Talaq and found that it was identical to the mentioned description**

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**of the Talaq, which took place on 21/7/1391 A.H.** Based on this, I have issued a Fatwa (legal opinion issued by a qualified scholar) that the offered Talaq is to be considered one pronouncement effecting Talaq, and the husband can take his divorcee back with a new marriage contract that meets all Shar`y (Islamically lawful) conditions, since her `Iddah (woman's prescribed waiting period after divorce or widowhood) is over by completing three months before revoking Talaq. It was authentically reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with them) evidence to this effect. Kindly inform all parties of this, and direct them to the Shar`y way by which they can return to each other if they both agree to that. May Allah reward you with the best on behalf of all of us! As-salamu `alaykum warahmatullah wabarakatuh!

## 7- Issue on triple Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Your Excellency Assistant Chief of Abha Court, may Allah guide you to every good! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) Dear brother, I received your letter no. (24) dated 15/1/1393 A.H., and I read what Your Excellency stated concerning Talaq (divorce pronounced by a husband) given by A.M.M. to his wife. You mentioned that the said husband

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came to you with his wife and her brother. The wife and her brother said that they received two papers sent by the husband stating that his wife was divorced thrice with one pronouncement; the first paper dated 7/12/1392 A.H., and the second dated 7/22/1393 A.H. They did not know whether the husband meant by them one or two times of Talaq. They also maintained that he did not divorce her other than this. The husband stated that he did not have the intention to divorce his wife and that did not utter it, but his father wrote the papers of Talaq and compelled him to sign both papers. Also, a person came to me, claiming to be one of the witnesses who signed both papers. He said that when the husband's brother brought him the second paper of Talaq to sign it, he said that he already signed one paper a week ago, but the brother told him that the wife's family claimed receiving no papers, and, thus, this second paper was instead of the first one. Thereupon he signed it when he found the signature of the husband and his father. He added that he did not hear the husband divorcing his wife for the first or second time and that he did not know who wrote the two papers. I ordered the husband to come to Your Excellency along with his father to know from them what they meant by the second paper; whether they meant to reassert the first Talaq or to initiate a second one. If they intended to reassert the first Talaq, this is considered one pronouncement effecting Talaq and the husband is allowed to take her back in marriage if she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If he intended another Talaq, then two times of Talaq have taken effect and it remains for him one time. He is, thus, permitted to take her back in marriage if she is still in

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her `Iddah. It was authentically reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with both of them) evidence to this effect, as it is known to you. Kindly inform all parties of that. The woman's Waliy (a legally accountable person acting for a woman seeking marriage) should be present along with the husband and his father in order to illustrate for them what should be done after taking their statements. May Allah reward you with the best and fulfill your efforts! As-salamu `alaykum warahmatullah wabarakatuh

## 8- Ruling on a husband divorcing his wife thrice with one pronouncement and repeating it twice for notification

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Excellency Chief of Al-Bahah Al-Kubra Court, may Allah guide you to goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your letter no. 3885 dated 2/9/1392 A.H., and I read the other papers sent with it. The letter stated that Mr. S. S. Q., his wife and her brother came to your Eminence and that the husband confessed that he divorced his mentioned wife thrice with one pronouncement and repeated it two times in order to notify her of the Talaq (divorce pronounced by a husband). Also, the letter bore the confirmation of the mentioned wife and her brother to what the husband said and both of them want to**



**return to the bond of marriage if this is permitted by Shari`ah (Islamic law). This was made clear to us.** According to what is mentioned, I issued a Fatwa to the husband referred to that his wife was divorced once by what he said and he is allowed to take her back in marriage, if she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If the period of `Iddah has elapsed, she is to be lawful to him only by concluding a new marriage contract that meets all the necessary conditions set by Shari`ah (Islamic Law), as it is well-known. There is an authentic Hadith of the Prophet (peace be upon him) reported by Ibn `Abbas (may Allah be pleased with them both) which indicates this. As for the second and third pronouncements of Talaq, they are of no consequences at all, because the husband meant by them to make his wife realize the matter, not to give a new divorce. However, he best knows his intention. The Prophet (peace be upon him) said: ﴾Actions depend upon intentions, and each person will have but that which he intended.﴿ I hope that your Eminence will notify all the concerned parties of the mentioned Fatwa, may Allah reward you and grant you success! As-salamu `alaykum warahmatullah wabarakatuh!

## 9- Divorcing the wife thrice with one pronouncement counts as one Talaq according to the preponderant opinion

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Excellency the Assistant Judge of Al-Khubar Court, may Allah grant you success, Amen!

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As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I have received your letter no. 1107 dated 29/7/1393 A.H., in which you stated your wish that I read the attached document and inform you of our ruling. I have read the attached document no. 3381 dated 24/7/1394 A.H. dictated by Your Eminence which describes the way the husband A. `A. M. Sh. divorced his wife, by saying: "You are divorced thrice." You stated that you have informed the husband that it is not permissible for him to revoke the Talaq (divorce pronounced by a husband), according to the well-known opinion. My Fatwa on this issue is that if the husband in question did not divorce his wife except this time,** then only one pronouncement of Talaq has come into effect by what he said and the act of taking her back in marriage is valid, as long as she is in `Iddah (woman's prescribed waiting period after divorce or widowhood). If the waiting period has ended, she is not lawful to him except through a new marriage contract that meets all the Shar`y (Islamic legal) conditions. It was authentically reported from the Prophet (peace be upon him) in a Hadith on the authority of Ibn `Abbas (may Allah be pleased with them both) what indicates this ruling, as is well-known. This is the preponderant opinion on this issue although it is opposite to the well-known view, because the adopted views in controversial issues are those which are based on evidence.

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I hope that Your Eminence would inform the husband, his ex-wife, and Waliy (a legally accountable person acting for a woman regarding marriage) of the stated Fatwa after making sure that the husband did not divorce his wife twice before or after this incident. May Allah reward you with the best for the help you provided for this husband and wife! As-salamu `alaykum warahmatullah wabarakatuh!

## 10- Issue on triple Talaq with one pronouncement

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, President of the Major Court in Al-Ta'if, may Allah grant you success, Amen! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed...

**Dear brother, I received your kind letter on 16/5/1390 A.H., may Allah guide you by His Guidance, and read the attached memorandum which includes the confirmation of Talaq (divorce pronounced by a husband) that took place when the husband got mad at his wife. You revealed that the husband went to a person and asked him to write the paper of Talaq. He explicitly said to him, "Write that she is divorced thrice with one pronouncement. She will be forbidden to me and lawful to others." He did not divorce her before this time. Her brother said that when he asked his sister about this, she answered that he did not divorce her before in person and that he brought the registered paper of Talaq from the people.**

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**He added that they believe him in what he said and that his sister wishes to go back to her husband if a Fatwa (legal opinion issued by a qualified Muslim scholar) is issued in this concern. I reviewed the attached paper of Talaq and found it issued on 2/5/1390 A.H.** Accordingly, my Fatwa to the mentioned husband is that he divorced his wife once and he may take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah is over, she will not be lawful to him except with a new marriage contract that meets all proper conditions set by Shari`ah (Islamic law) as you know. It was authentically reported from the Prophet (peace be upon him) evidence supporting the mentioned Fatwa as Your Excellency know. I hope you would notify all parties of this Fatwa, may Allah reward you with the best! I would also like to draw the attention of the husband that triple Talaq is not permissible and that he has to repent from what he did. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh!

## 11- Ruling on the Waliy of the second wife stipulating the triple divorce of the first

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother his Eminence, Deputy Chief Judge of Bishah Court, may Allah guide you to every good deed, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

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**Dear brother, I received your letter no. 1351 dated 29/6/1393 A.H., may Allah guide you! I examined the attached report including your confirmation of the description of Talaq (divorce pronounced by a husband) given by the husband M. M. B., to his wife. In short, the husband came to your Eminence along with the attorney of the Waliy (a legally accountable person acting for a woman regarding marriage) of his divorcee, and stated that when he wanted to marry another woman; the father of the second wife stipulated that he should divorce the first one. Accordingly, he divorced her by saying: "She is divorced," and then added: "thrice," then he took her back at the same moment and called two people to witness his revocation of Talaq. It is noteworthy that he did not divorce her either before or after that. The attorney of his divorcee's Waliy had confirmed that. The husband had also brought the two witnesses to your Eminence, who witnessed that the mentioned wife confirmed to them that her husband had never divorced her prior to or after this Talaq. She also added that she agreed to return to her husband.**

Based on what is mentioned above, I issued a Fatwa (legal opinion issued by a qualified scholar) to the husband referred to that the Talaq given by him is considered as divorcing his wife twice, one by saying: "You are divorced" and the second by saying: "thrice". However, his taking her back in marriage is valid. It is authentically reported that the Prophet (peace be upon him) considered the last Talaq given by the husband as a one-fold Talaq. Therefore, kindly inform all the concerned parties of this Fatwa. Please instruct the husband to repent for divorcing his wife thrice, because this is a condemned manner of Talaq, as your Eminence knows. May Allah repay your efforts and reward you well on behalf of all! As-salamu `alaykum warahmatullah wabarakatuh!

## 12- Ruling on saying: "You are divorced as many times as the leaves of berseem"

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence, Chief Justice of the Court of Khamis Mishit, may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I have received your letter no. 2959, dated 21/10/1391 A.H. I have also examined the attached document which reads as follows: "Based on the letter of his Eminence, Shaykh `Abdul `Aziz ibn `Abdullah ibn Baz, here attended before me - Chief Justice of Kchamis Mishit - the husband identified hereunder and he confessed, saying: 'I divorced my wife, nearly two years ago by saying to her: You are divorced as many times as the leaves of berseem.' I took her back in marriage on the same day. We have four children and I want to resume my marital life.' The wife's Waliy (a legally accountable person acting for a woman regarding marriage) who is her brother attended and supported his brother-in-law saying: "What the husband said concerning the way Talaq (divorce pronounced by a husband) took place is true and my sister agrees to return to him in marriage. I do not mind this, if this is not in contradiction to the Shari`ah (Islamic law)." This is what the two stated according to the witness of the attendants.**

Accordingly, I issued to the husband a Fatwa (legal opinion issued by a qualified Muslim scholar) that the Talaq he pronounced is considered as one time and he can take her back in marriage,



because of evidence authentically reported from the Prophet (peace be upon him) in this regard that such Talaq counts as one. The husband in question has to repent to Allah of this, for this Talaq is Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and contradictory to the Shari`ah. I hope Your Eminence would inform all concerned parties of this Fatwa and warn the husband against such prohibited way of Talaq. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh!

## 13- Ruling on the husband saying to his wife: "You are divorced, then divorced, then divorced" and declared her no longer lawful to him

**Your Eminence, Shaykh `Abdul `Aziz bin `Abdullah ibn Baz, may Allah keep you in safety! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Referring to the letter of your Eminence no. 1707 dated 18/11/1398 A.H. concerning the Fatwa request of Mr. S. A. S., with regard to divorcing his wife. He maintained that he divorced her while being angry due to disputing with him and dealing with him in a bad way. He said to her: "You are divorced, then divorced, then divorced" and declared her unlawful to him while being in a state of intense anger. Based on your request, we brought the wife and her Waliy (a legally accountable person acting for a woman regarding marriage) to ask them about the actual events and whether the husband was intensely angry or just the normal. The woman and her Waliy, who is her brother, came and when we asked them about this incident**



**the woman mentioned that her husband came while she was sleeping. He woke her up and asked her to make love. The wife said: "I was sick and I refused for I was so ill." He called me another time and I refused and I was so nervous. Then, he called me more and I refused as well. He divorced me thrice as mentioned." She stated that he did not divorce her after or before this time and that she agrees to return to him if this is allowable on the basis of a legal Fatwa. She also said that she was so ill and bedridden and did not know whether his anger was intense or normal. This is what the woman said in the presence of her Waliy and we referred this matter to your Eminence in order to present your view about it. May Allah grant you success!**

**Chief of Summary Court in Makkah Al-Mukarramah**

Wa `alaykum as-salam warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

According to what the wife of the referred to man mentioned of her illness and her not admitting that her husband was in a state of intense anger, I gave the husband a Fatwa that his wife is no longer lawful to him in marriage until she marries another man, for he exhausted the three times of Talaq (divorce pronounced by a husband) by consecutive pronouncements. I ask Allah to grant all a good ending. I hope that your Eminence informs her and her Waliy of this Fatwa. May Allah reward you well! As-salamu `alaykum warahmatullah wabarakatuh!

**`Abdul `Aziz Bin `Abdullah ibn Baz**

## 14- Ruling on a husband divorcing his wife by saying: "She is not lawful for me until she has married another husband"

From `Abdul `Aziz bin `Abdullah ibn Baz to our honorable brother, his Eminence the Chairman of the Supreme Court in Al-Ta'if, may Allah guide you to all goodness, Amen! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) **Dear brother, I have received your noble letter no. 2342 /2/658 dated 12/2/1391 A.H. that comes in reply to my letter no. 1/265 dated 2/12/1391 A.H. May Allah guide you! I have read the enclosed paper which includes your verification of the manner of Talaq (divorce pronounced by a husband) given by the husband M. `A. to his wife: He confessed before you that he divorced her on the strength of the divorce document dated 2/4/1391 A.H., and that he has never divorced her before, for this was the first time for him to divorce her. I understood that both his divorcee and her Waliy (a legally accountable person acting for a woman regarding marriage), who is her brother, confirmed this. I have read the enclosed document and found that it indicates that the mentioned husband divorced his mentioned wife thrice with one pronouncement, forbidding her to him and giving her the right to marry whoever proposes to marry her and deeming her not lawful for him until she has married another husband.**



Based on this, I issued to the mentioned husband a Fatwa that the manner by which he divorced his wife counts as one Talaq. He can take her back in marriage as long as she is in the `Iddah (woman's prescribed waiting period after divorce or widowhood). If she passed the term of `Iddah, she is to be lawful for him only through a new marriage contract, meeting the Shar`y (Islamic legal) conditions that are well-known. The stated Fatwa is substantiated by a Hadith authentically reported from the Prophet (peace be upon him) to that effect, as your Eminence knows. Regarding his saying that she is unlawful to him..., these words are considered as subordinate and explanatory to the divorce pronouncement and are of no consequences at all. It is only the Shari`ah (Islamic law) that judges whether or not she is lawful for him and it is not his decision. It is known that Shari`ah does not judge her to be irrevocably unlawful for him due to this Talaq. I hope you will notify all parties of this Fatwa and please instruct the husband to repent of this Talaq, because it is a condemned manner of Talaq. May Allah repay your efforts and reward you well on behalf of all. As-salamu `alaykum warahmatullah wabarakatuh!

## 15- Asking the divorcing husband to swear an oath when the witnesses differ

From `Abdul `Aziz bin `Abdullah ibn Baz to our honorable brother, the Judge of Al-Asyah, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:



**Dear brother, I have received your noble letter no. 358 dated 11/12/1395 A.H. that comes in reply to my letter no. 1941 dated 8/10/1390 A.H. May Allah guide you! I have read the enclosed paper which includes your verification of the manner of Talaq (divorce pronounced by a husband) given by the husband M.`A. to his wife: both the mentioned husband and the father of his wife attended before you, where the wife's father claimed that the husband spoke some words about him. His brother said to him that he should divorce her if he did not want her. The husband answered back: "She is divorced thrice, then she is divorced thrice" and swore that she would not re-enter a house she left. A day later the husband came to her father to tell him to register the Talaq of his daughter whenever he wished. This took place just a day before `Eid-ul-Fitr (the Festival of Breaking the Fast). He did not divorce her either before or after this. It was not a Talaq for a consideration, nor was it out of anger. Your Eminence stated that the paternal uncle of the wife attended before you and confirmed the witness of his brother regarding repeating Talaq pronouncement, swearing, and anger on the part of the husband. Another person also witnessed before you that he heard the husband uttering, while standing, triple Talaq against his wife once and swearing that she would not enter a house wherefrom she left. A day later the husband came to them, where his father-in-law said to him: "Go to your son to register my daughter's Talaq". The husband replied that it is he who would register it. The mentioned husband**



**confessed before me, as written down in my attached letter, that he divorced her thrice only once, and he did not issue any Talaq apart from this. Since the testimony of the wife's paternal uncle differs from that of her father; the issue applied by her father cannot be accepted except with fair evidence; the general ruling in such issues is that the accepted statement is that of the defendant under his oath.** Accordingly, I hope that you ask the husband in question to swear that he divorced his mentioned wife thrice only once. If he swears, then I give him a Fatwa that the manner by which he divorced his wife counts as one pronouncement effecting Talaq. He can take her back as long as she is in the Iddah (woman's prescribed waiting period after divorce or widowhood). If she passed the term of Iddah (woman's prescribed waiting period after divorce or widowhood), then she is to be lawful for him only through a new marriage contract meeting the Shar`y (Islamic legal) conditions. If he abstains from swearing, then it is deemed that he divorced his wife twice i.e., each pronouncement of triple Talaq counts as

one occurrence of divorce. There remains for him only one pronouncement of Talaq (before his wife is irrevocably divorced). He can take her back in marriage, as stated earlier. The mentioned Fatwa is substantiated by evidence to that effect authentically reported from the Prophet (peace be upon him), as it is well-known. The husband should repent of this, because triple Talaq is Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect), as your Eminence knows. He must offer Kaffarah (expiation) for swearing that she will not return to his house, which will be broken when she returns. Please complete the necessary procedures and inform all concerned parties of the stated Fatwa. May Allah reward you well for your efforts!

As-salamu `alaykum warahmatullah wabarakatuh!

## 16- Ruling on the husband saying to his wife: "If some person proposes to you, marry him, and you are divorced thrice"

From `Abdul `Aziz bin `Abdullah ibn Baz to our honorable brother, his Eminence the Judge of Rafha', may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I have received your letter no. 45 dated 26/4/1390 A.H., may Allah guide you! I understood what you have mentioned concerning the way in which the husband M. Th. divorced his wife: A dispute occurred between him and both his wife and her brother. He got so angry that he said to her: "If some person proposes to you, marry him". The situation became so intense in this gathering that he further said to her: "You are divorced thrice". He even added: "You are unlawful to me even if there is no woman other than you". Soon he regretted doing so and took her back in marriage at once. Both the wife and her brother confirmed what the husband stated. This happened several years ago. There was no Talaq (divorce pronounced by a husband) other than what he stated.**

**A:** Based on this, I issued a Fatwa to the mentioned husband that in consequence of this, he divorced his wife twice, one by saying: "If some person proposes to you, marry him" and the other by saying: "You are divorced thrice". His taking her back in marriage is valid. There are authentic narrations from the Prophet (peace be upon him) indicating that the last pronouncement on the part of the husband



counts as one Talaq, as it is well-known. As for his saying: "You are unlawful to me even if there is no woman other than you," he has to offer Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative) whose sequence of priority is well-known to your Eminence. He should not approach her before offering the mentioned Kaffarah. I hope that your Eminence will notify all concerned parties of the mentioned Fatwa and instruct the husband to repent of his last divorce and his declaring his wife to be no longer lawful to him, because all this is Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect), as your Eminence knows. May Allah reward you well for your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

## 17- Ruling on deeming a wife as unlawful and pronouncing triple divorce

From `Abdul `Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence, judge of Khamis Mishit. May Allah guide him and bless his efforts! Amen! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**Dear brother, I have received your letter, dated 11 Ramadan, 1392 A.H. May Allah support him with His guidance! It included that the husband came with his wife and her Waliy (a legally accountable person acting for a woman seeking marriage) to Your Eminence. The husband confessed that after a quarrel with his brother, he swore that his wife will be deemed unlawful if he lives with his brother, then he pronounced triple divorce (three simultaneous pronouncements of divorce) not to live with him, then he regretted it. The wife and her Waliy confirmed what he said.**



**The said husband came to me and by asking him about his intention, he replied that he meant that she will be deemed unlawful if he is to live with his brother, with the intention of preventing himself from living with his brother. Likewise, he intended by pronouncing divorce preventing himself from living with his brother and that divorce is to be put into effect if he did.**

**A:** Accordingly, I gave him a Fatwa (legal opinion issued by a qualified Muslim scholar) that once he lives with his brother, his wife will be divorced for one time and he is allowed to take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood), as what was authentically reported from the Prophet (peace be upon him) indicated this. The husband should also offer Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative), which is to be offered in order as known (Freeing a Muslim slave. If he is unable to do so, he has to fast two successive months. If he is unable to do so, he has to feed sixty needy people each half a Sa` (1 Sa` = 2.172 kg) from the common food of the country, trans.) I hope Your Eminence could inform everyone of this. May Allah reward you with the best and help you benefit His Servants! May Allah set right all Muslim affairs in this worldly life and in the Hereafter! He is the Most Generous, most Beneficent! As-salamu `alaykum warahmatullah wabarakatuh

## 18- Ruling on giving one's wife triple divorce while intending swearing an oath

From `Abdul `Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence the Judge of Abqiq Court, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

(Part No. 22; Page No. 33)

**I received your noble letter numbered 559 and dated 28/08/1389 A. H. I also read the attached paper regarding the manner of Talaq (divorce pronounced by a husband) in which the husband divorces his two wives. As the concerned two wives were quarrelling, the husband said to them: "Whoever of you speaks badly against the other is Taliq (divorced)". Next day, the two wives quarreled again. I read the comment that you appended to the paper referred to above to the effect that the Imam (the one who leads congregational Prayer) of the Masjid (mosque) of the district where the husband in question lives visited you. The Imam said that the mother of one of the two concerned wives stated that the husband gave triple divorce (three simultaneous pronouncements of divorce) to her daughter and his other wife and that he had not given her daughter any Talaq before. Your Eminence also mentioned that the husband confessed to you that he had given his second wife one Talaq before.**

**A:** My opinion is that you ask the concerned husband to bring to your place, if possible, the Waliys (legally accountable persons acting for women seeking marriage) of his two wives. You are then to ask them all about the matter. If they do not inform you of anything that contradicts what has been stated by the husband, his two wives, and the mother of one of them, or that no Waliys are available to you; my Fatwa (legal opinion issued by a qualified Muslim scholar) to the concerned husband and his two wives is that only one Talaq is counted for each one of the two wives whether it is proven that the husband gave them triple divorce as claimed by the mother of one of them or not. This is because triple divorce

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is counted only as one Talaq according to the most proper of the opinions of scholars as there is a renowned Hadith reported on the authority of Ibn `Abbas to that effect. The foregoing only applies if the husband intended to give Talaq to his two wives when they speak badly against each other. Such one Talaq is to be added to the previous one regarding the wife that the husband divorced before. One more Talaq thus remains for this concerned wife while two Talaqs (divorces) remain for the other wife. The husband may revoke the Talaq as long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his two wives have not expired. However, if the husband did not intend by what he said to give any Talaq but intended only to prevent each one of his two wives from wronging the other and to deter them by such saying; no Talaq is counted at all. In such a case, the husband has to make an oath Kaffarah (expiation) as the concerned condition with such intention

is regarded as an oath as stated by a group of our Salaf (righteous predecessors) including Shaykh-ul-Islam Ibn Taymiyyah and his disciple Ibn Al-Qayyim (may Allah be merciful with them both). This is the proper opinion and it is similar to what is mentioned by Fuqaha' (Muslim jurists) of Hanbaly school of thought and others regarding the Lajaj vow (a vow to be fulfilled whenever a person does a certain thing) and the vow that a person takes while being in a state of anger. Obviously, following such an opinion grants Muslims easiness and solves many marital problems. May Allah grant us all success!

As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 22; Page No. 35)

## Chapter on conditional divorce

(Part No. 22; Page No. 36)

(Part No. 22; Page No. 37)

### 19- Ruling on promising to give Talaq in future

From `Abdul `Aziz ibn `Abdullah ibn Baz to the respected brother `A. F. B., may Allah grant you success! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**A husband stated that he previously gave his wife Talaq (divorce pronounced by a husband) twice then he revoked the Talaq. Two months ago a dispute aroused between the concerned husband and his wife who consequently asked him to give her Talaq. As she was in her menstruation period, the husband told her: "I will give you Talaq when you are Tahir (ritually pure)". They then regretted what they had done so the husband, as he mentioned, did not give his wife any Talaq. He asked me to give him a Fatwa (legal opinion issued by a qualified Muslim scholar) on this.**

**Answer:** If the reality is exactly as what has been mentioned by the husband, the last Talaq is not effective and his wife is still in his `Ismah (the bond of marriage). This is because the husband's saying to his wife: "I will give you Talaq when you are Tahir," is not a Talaq. Rather, it is a promise of Talaq.

But if the reality is not as what has been mentioned by the husband, you have to come along with the concerned husband to the Ifta' Committee at Dar Al-Ifta (House of Fatwa) in Riyadh. You are thus to inform the Committee of your enquiry and it will, In sha'a-Allah (if Allah wills), give you a Fatwa according to the purified Shari`ah (Islamic law). The Committee may alternatively inform me of your enquiry so that I may study it In sha'a-Allah. May Allah guide us all to that which pleases Him! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 22; Page No. 38)

## 20- Stipulating Talaq upon any dispute is not valid

From `Abdul `Aziz bin `Abdullah ibn Baz to the respected brother S. M. M., may Allah guide you to all goodness, Amen!

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your undated letter in which you informed that a man proposed to marry a woman whose father stipulated that in case the concerned man disputes or upsets his wife, he is to give her Talaq (divorce pronounced by a husband) and receive back the Mahr (mandatory gift to a bride from her groom). You also mentioned that the concerned man was guaranteed by one of his relatives and that you enquire about the validity of the condition mentioned above.**

**A:** The validity of such a condition and guarantee is doubted. The prior and proper course of action is exertion of effort to reconcile between the couple, so that they abandon the causes of dispute and continue the marriage. If doing so is impossible and conflict persists, it is better for the husband to divorce his wife and take back the Mahr that he paid as long as his wife does not want to continue the marriage. This is to act upon the Saying of Allah (Exalted be He): ﴾And it is not lawful for you (men) to take back (from your wives) any of your Mahr (bridal-money given by the husband to his wife at the time of marriage) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allâh (e.g. to deal with each other on a fair basis). Then if you fear that they would not be able to keep the limits ordained by Allâh, then there is no sin on either of them if she gives back (the Mahr or a part of it) for her Al-Khul' (divorce).﴿

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Moreover, when the relationship worsened between Thabit ibn Qays and his wife (may Allah be pleased with them both) because of the wife's dislike to her husband and her willingness to give him back his Mahr, the Prophet (peace be upon him) said to him (Thabit): ﴾Accept your garden, and divorce her once.﴿ The garden mentioned by the Prophet (peace be upon him) was the Mahr given by Thabit to his wife. May Allah guide us all to attain sound understanding of His Din (religion) and keep us firm in adhering to it! Verily, Allah is the Best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

## 21- Issue on conditional Talaq

**Q: To His Eminence, General Chairman of the Departments of Scholarly Research and Ifta', may Allah protect you! Respected Shaykh, I asked my wife to take all her belongings to her family's house and asked her brothers to fulfill this. I promised to sign her Talaq (divorce pronounced by a husband) papers on Saturday. This happened on Friday, but I then changed my mind. I have never divorced my wife before or after this incident. Could you please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) whether the promise that I gave my wife's brothers and my request that my wife's belongings had to be taken to her family's house are counted as a Talaq? May Allah protect you! A:** As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

If the reality is as you mentioned, your wife is still in your `Ismah (the bond of marriage) and no Talaq has taken place, for you did not actually divorce your wife, on the basis of the given account.

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You only promised to sign a divorce paper, but then you changed your mind. May Allah guide us all to do what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh!

## 22- Conditional Talaq

From `Abdul `Aziz bin `Abdullah ibn Baz to the respected brother, His Eminence the President of Bishah Court, may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your letter no. 181 dated 16/01/1392 A.H., regarding the Talaq (divorce pronounced by a husband) that was given by the husband Z. M., to his wife. I inform you that I read what Your Eminence recorded concerning that case. I also questioned the concerned husband who denied all accounts of Talaq that were claimed by his father-in-law, except the Talaq conditioned by flowing water in the stream and the Talaq conditioned by marrying his sister to `A. M. The husband claimed that he meant by the first Talaq that the water must not flow in the stream so long as it was owned by him, and water did not flow in the stream except after being owned by his brother. I asked him about his intention regarding the two conditional Talaqs and he said that he did not intend by this any Talaq if the condition takes place, but he intended only

**(Part No. 22; Page No. 41)**

to prevent flowing the water in the stream while in his ownership and to prevent marrying his sister B. `A., to the person mentioned above and to marry her to M. F. The concerned husband swore an oath to that effect. It is well-known that such conditional Talaq comes under the same ruling as importunately or angrily made vow (in the form of an oath to urge for something to be done or to stop something from being done, or to swear that something is true or not true), according to the more correct of the two opinions maintained by scholars. Therefore, we issued a Fatwa to the concerned husband that no divorce took place through the conditional Talaq mentioned; consequently he must offer a Kaffarah (expiation) for breaking an oath, if his sister is married to anyone other than M. F. The husband does not confess the other accounts of conditional Talaq; if he confesses them or they are proven by evidence, they will come under the same previously mentioned ruling, if his intention when he made them was to swear an oath and not to divorce his wife. I thus hope that Your Eminence informs his father-in-law of this. In addition, we advise this husband to fear Allah and protect his tongue against playing on words of Talaq. May Allah guide us to do all that pleases Him and double your reward! As-salamu `alaykum warahmatullah wabarakatuh!

## 23- Conditional Talaq

### is not effective unless the stipulation takes place

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother E. M. A., may Allah protect and support you, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

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**I received your letter dated 08/11/1392 A. H. in which you informed us that a dispute arose between you and your wife, so you took her to her house. Your wife then started to weep, stretched her hands to the sky, and said: "O my Lord! Make my mother-in-law suffer from a serious illness so that she sits in a corner (unable to move) in need of me." You thus became more angry and excited for the severe words that your wife said and replied saying: "If this happens to my mother, consider yourself divorced thrice." You added that you are afraid that this may occur (to your mother) or that what you have said might be tantamount to Talaq (divorce pronounced by a husband). You need to know the legal opinion on this incident.**

**A:** If your mother is afflicted by the harm your wife mentioned - may Allah forbid - one pronouncement effecting Talaq will take place because of what you have said to your wife. However, it will be permissible for you to revoke such Talaq immediately and take her back, so long as you have not divorced her twice before. May Allah protect us all against the incitement of Satan.

As-salamu `alaykum warahmatullah wabarakatuh!

## 24- Ruling on giving a conditional, then a triple Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence Shaykh `A. `A. `A., may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I read the letter sent to me by brother Q. S. Q. in which he confessed that he said to his wife: "You are divorced, if your brother does not say what we disagreed upon." The couple then visited the wife's brother who said some words that made the husband angry. He then said to his wife's brother: "Consider your sister divorced thrice." I also read the comment that Your Eminence appended to the letter in which you clarified that the wife's brother H., and his sister visited you and affirmed what was said by the husband. Your Eminence did not mention the answer the wife's brother gave regarding the word that the husband and his wife fought over. However, I asked him about it and he answered that he did not say it.**

Based on the information mentioned above, my opinion is that the husband should be asked about his intention regarding the conditional Talaq (divorce pronounced by a husband) he made. If his intention, as it is obvious from his circumstances and those in similar cases, was only to make his wife believe what he said, but not to divorce her; his pronouncement comes under the same ruling as an oath for which he must offer Kaffarah (expiation) and no Talaq takes place in consequence of it.



On the other hand, if the husband intended to divorce his wife if the brother H. did not say the word referred to, then one pronouncement effecting Talaq occurred, as the wife's brother H. confessed to not saying it. Regarding the second Talaq, my Fatwa (legal opinion issued by a qualified Muslim scholar) to him is that it is counted as one pronouncement effecting Talaq. This is to be added to the conditional Talaq made, if it is as explained above. Thus, one pronouncement of Talaq remains (before she is irrevocably divorced). In any case, the husband may revoke the Talaq and take back his wife so long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood), for evidence to the effect that such a manner of Talaq is counted as one pronouncement only was authentically reported from the Prophet (peace be upon him). Moreover, in case the conditional Talaq did not take place, because the husband did not intend Talaq by it; then two pronouncements of Talaq remain. Finally, I hope that you will kindly inform all the concerned parties of the mentioned Fatwa. May Allah reward you and grant you success! As-salamu `alaykum warahmatullah wabarakatuh!

## 25- Ruling on setting

## Talaq on a condition which the wife does forgetfully

From `Abdul `Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence Shaykh S. `A., may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

(Part No. 22; Page No. 45)

**I received your two letters dated 13/2/1393 and 15, 16/2/1393 A.H. They described the manner in which Talaq (divorce pronounced by a husband) took place. The husband said to his wife: "If you speak ill about my sister and uncle, your will be divorced thrice." After twenty five days, she spoke ill about them, claiming that she did not remember his oath. She also confessed that he had not divorced her before and that she is willing to stay with him. Asking the husband about the incident, he said the same. He replied also that he has not divorced her before or after that. Asking him about his intention, he replied that he did not mean to separate from her, but to prevent her and warn her against speaking ill about the persons mentioned above.**

Accordingly, I gave the husband and wife referred to a Fatwa (legal opinion issued by a qualified Muslim scholar) that Talaq did not take place and his wife is still married to him, as she violated the condition forgetfully. Allah (may He be Praised) states: ﴾Our Lord! Punish us not if we forget or fall into error﴿ It is authentically reported from the Prophet (peace be upon him) that Allah answered saying: "I already have (pardoned you)."

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The most correct opinion of scholars is that if the person obliged under oath violates the condition out of forgetfulness or ignorance, it does not take place. However, if she does so intentionally in the future, her husband must offer Kaffarah (expiation) for breaking an oath, according to the most correct opinion of scholars, because his mentioned condition takes the ruling of an oath, as is well-known. I hope Your Eminence will inform all concerned parties of this Fatwa. May Allah reward you with the best and bless your steps! As-salamu `alaykum warahmatullah wabarakatuh!

## 26- Issue on conditional Talaq

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother `A. S. M., may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your letter dated 6/10/1389 A.H. It describes that a woman stipulated in her marriage contract that if her husband smoked or listened to the radio or watched the television she would become divorced irrevocably without compensation. It was known that he used to smoke in the past, then he smoked forgetfully. He asks for a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.**



**A:** If the husband smoked forgetfully, his wife is not divorced, for the condition for effecting Talaq (divorce pronounced by a husband) is that the husband purposefully violates the condition that Talaq is made contingent on. The person who forgets will do the act unintentionally in the perspective of Shari`ah (Islamic law). May Allah guide all to what pleases Him and save you, us and all Muslims from the causes which provoke His Wrath! He is the Most Generous, Most Beneficent. As-salamu `alaykum warahmatullah wabarakatuh!

## 27- Ruling on threatening the wife with Talaq

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence S. `A., may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your letter dated 7/4/1392 A.H. It stated that Mr. M. S. came to Your Eminence and confessed that his wife took some papers from him. He said to her: "Give me the papers. If you do not, you will be divorced with three irrevocable pronouncements." She did not. Then the husband repeated the same phrase at the same time and place, but she did not give him back the papers. He mentioned that he intended emphasis and not repetition of Talaq (divorce pronounced by a husband). The wife and her Waliy (a legally accountable person acting for a woman regarding marriage) confirmed what the husband said.**

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**A:** Based upon what is mentioned, my opinion is that the husband should be asked about his intention in this conditional Talaq; if he intended to effect Talaq and that he would no longer remain with his wife, if she would not give back his papers, this Talaq is counted as one time and he can take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). Evidence to that effect was authentically reported from the Prophet (peace be upon him) as it is well-known. As for the second pronouncement, it is of no consequences at all, since he intended emphasis and not an additional Talaq. If he intended to threaten and urge her to give him back the papers and did not intend Talaq, even if she was not to give him back the papers, no Talaq is counted. The Prophet (peace be upon him) stated: ﴾Actions depend upon intentions and each person will have but that which he intended.﴿ The husband should offer Kaffarah (expiation) for breaking an oath; this is the more correct of the two opinions maintained by scholars, which is held by a group of the predecessors and successors, and which was held by Shaykh of Islam, Ibn Taymiyyah and his eminent disciple, Ibn Al-Qayyim (may Allah be merciful to them both). This is the correct opinion based upon numerous supporting proofs. I hope Your Eminence will complete the necessary procedures and inform the wife's Waliy of this Fatwa. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh!

## 28- Issue on conditional Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Shaykh A. L., may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your respected letter dated 22/3/1392 A.H. in which you referred to the divorce of Mr. H. A. M. to his wife. The letter was quite clear to me; however, the man in question came to me and said that he had disputed with the caretaker in Masjid (mosque) Sa`id ibn Jubayr which is well-known in Jaddah. The dispute lasted for a long time and he said at the end of dispute: "I take an oath of triple divorce that I will not work with him in the same place. Either I, or he will continue in this job." This is what Mr. H. said.** He also added that he has not divorced his wife before this. Accordingly, I ordered him to bring his wife in order that you may ask her about this incident. If she is sure that her husband never divorced except this time, there is no blame on him to continue in the job with the other worker in the mentioned Masjid, but this will count as one pronouncement effecting Talaq (divorce pronounced by a husband). This is because he intended that his wife would be divorced if he continued working with the man referred to in the Masjid. However, evidence to the effect that such divorce counts as one pronouncement of Talaq only was authentically reported from Prophet (peace be upon him).



In addition, the man may revoke the Talaq at once and resume the marriage with his wife after continuing to work together. But, if the woman said something other than what Mr. H. said, or maintained that he divorced her before this time, I ask that you inform me in order to investigate the matter. May Allah reward you and bless you! As-salamu `alaykum warahmatullah wabarakatuh!

## 29- Ruling on conditional Talaq and Talaq uttered by one who is intoxicated

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, the Chief Justice of the Eastern Province, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I read your letter dated 27/5/1388 A.H. which you sent in reply to my previous letter no. 46 dated 6/1/1388 A.H. with regard to the way Mr. F. M. Z. divorced his wife. Due to the importunate request of the husband in question for the Fatwa, as clarified in your letter dated 9/9/1388 A.H. and based on the description of Talaq (divorce pronounced by a husband) which you mentioned in your letter no. 1 dated 4/1/1388 A.H., I understood that the husband has divorced his wife and revoked the Talaq, then divorced her and revoked the Talaq again.**

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**Then he divorced his wife ten times with one pronouncement. The explanation of the manner Talaq took place is provided by the confession of the husband who said that he was intoxicated and not aware of what he was saying when he pronounced the first Talaq. The next morning, his mother and his wife brought this to his attention, so he revoked the Talaq. The second Talaq was conditional. The husband disputed with his wife over his step-mother and swore that if his brother-in-law quarreled with the husband's step-mother, his wife would be divorced." The brother, not knowing of this oath, went to the step-mother to settle the quarrel, but he did not fight with her. As for the third Talaq, the husband divorced his wife ten times with one pronouncement. This is the detailed confession given by the husband about all pronouncements of Talaq made by him. The wife and her brother confirmed what he said. Neither the wife nor her brother object to her returning to him, provided that they obtain a Fatwa permitting that.**

Accordingly, I issued a Fatwa to the husband referred to that one pronouncement effecting Talaq took place in consequence of the last divorce. He may take her back in marriage through a new marriage contract that meets all the Shar`y (Islamic legal) conditions. This is because `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired. As for the first pronouncement of Talaq, it is not counted, because it took place while the husband was in a state of absence of reason. The second pronouncement of Talaq also did not come into effect, because it was based on a condition which was not fulfilled. I hope that Your Eminence will inform all concerned parties of this issued Fatwa.

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I refer the case of the husband who confessed consuming Khamr (intoxicant) to Your Eminence. May Allah grant you success to reach the truth and follow it! May He set right the conditions of all Muslims, for He is the Most Generous, the All-Bountiful. As-salamu `alaykum warahmatullah wabarakatuh! As-salamu `alaykum warahmatullah wabarakatuh!

## 30- Conditional Talaq becomes effective when the condition takes place

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, A. `A. M. may Allah grant you success, Amen!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I received your kind letter dated 21/6/1388 A.H., may Allah guide you! We have reviewed the question as to whether there is a means to annul conditional Talaq (divorce pronounced by a husband) by Sadaqah (voluntary charity) or Sawm (Fasting)?**

**A:** I know of nothing which nullifies conditional Talaq, whether Sadaqah or Sawm. It is well-known to scholars that a conditional Talaq takes place when the condition is fulfilled and neither Sawm nor Sadaqah suffices instead of it. However, some scholars elaborated on the conditions and hold that some cases do not take effect when the person does not mean to divorce his wife, but intended another thing.

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This view is less sound and apparent indications of the Shar`y (Islamic legal) proofs and Fatwas are against this, according to the majority of scholars. May Allah guide everyone to understand His Religion! As-salamu `Alaykum warahmatullah wabarakatuh!

## 31- Ruling on Talaq based on a matter that has not occurred

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence, the head of the Supreme Shari`ah Court in At-Ta'if. May Allah grant him success! Amen!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**Dear brother, I received your letter, no. 2491/2/692 dated 1/5/ 1391 A.H., and looked into the attached documents in which Your Eminence affirms the manner in which Talaq (divorce pronounced by a husband) took place. The husband confessed that he divorced his wife before then took her back in marriage. Then they quarreled with each other when he learned that she had left the house to go to a photographer. He became enraged and divorced her saying: "I divorced my wife irrevocably." This took place on 8 Dhul-Qi`dah, 1389 A.H. Moreover, he got a legal divorce decree. Then it became known to him that she had not gone to the photographer and that it was her son**



**who took the photo of her. On learning this, he asked to take her back in marriage. He has not divorced her before, or after that. She confirmed his statement and wants to return to him. I viewed the divorce decree which Your Eminence issued as major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). I also understood your request to review this case.**

Accordingly, I am of the opinion that the last Talaq does not count as it was dependant upon something that has not occurred, so it is like the conditional Talaq in which the condition is not fulfilled. Based upon the Shari`ah (Islamic law) proofs, rulings are based upon their `Illah (efficient cause) and conditions and the Ma`lul (effect) is not applied when its `Illah does not exist, as the dependent proposition is negative when its condition is absent. The eminent scholar Ibn Al-Qayyim (may Allah be merciful with him) stated this in his "I`lam Al-Muwaqqi`in" concerning if a man was told that his wife committed Zina (premarital sexual intercourse and/or adultery) and he divorced her, then he came to know of her innocence. He (may Allah be merciful with him) corrected the question stating that this Talaq does not take effect. This is clear when studying the case in question, so the wife is still married to her husband, for the last Talaq does count. I hope Your Eminence will inform everyone regarding this. May Allah reward you with the best! As-salamu `alaikum warahmatullah wabarakatuh!

## 32- Excessiveness in conditional divorce is not desirable

His Eminence, General Chairman of the Administration of Scholarly Research, Ifta', Da`wah and Guidance,

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I want to elaborate on my case hoping that your Eminence will give your Fatwa straightforwardly, may Allah grant you success! I am a forty years old man who got married twenty years ago. I am hot-tempered and easily enraged, and I am overly protective and jealous especially regarding my wife. I began directing and advising her the moment we consummated the marriage and if I thought she was breaking the rules, I would warn, scold and even punish her. I am so because I am strongly affected with what I know or see of the deviance in our time. This sense of cautiousness increased to the extent that I told her that when I was to travel for my studies a year after our marriage; were she to disobey me while I was away, whether I knew or not, she should regard herself divorced and you will be responsible for this sin. I meant by this that she keeps away from deliberate intermixing with non-Mahram (not a spouse or an unmarriageable relative) and morally untrustworthy men and women. Then, I took her with me in the second year of

**of my studies with the agreement of her father. I chose not to investigate the past, especially after she delivered the first children and due to my love for her. Life went on, but I may have taken oaths of divorce many times throughout the twenty years whenever she angered me for anything related to matters of house, children, Salah (Prayer), etc. It should be noted that it is a custom in our region to take oaths of divorce and this is common among them.**

**I disliked this and blamed myself for what I did while being angry. After a short time, I forget and return to this behavior when she enraged me. I began hating her and had a desire to divorce her in spite of her love for me. I thought about divorcing her more than once and nothing prevented me except her successive giving birth to children and my children are young, the youngest being three years old. On the night of Saturday, corresponding to the eleventh of Dhul-Qi`dah we argued and she said a word which I understood as threatening. I asked her to clarify what she meant with this word and said: "I take oath of divorce if you do not clarify what you meant with this word, I will divorce you." I said this more than three times and in every time she**



**replied: "I swear by Allah, the Most Great, that I intended nothing by it." Then I took her to her family's house and I did not say anything other than this and she is still with them till this time.**

**Your Eminence, this is my story with my wife throughout twenty years without any exaggeration or simplification. Indeed, these things affected me most and and I doubted that my wife may be divorced at any time while I cannot return to her out of the fear of being sinful, nor I can divorce her out of the fear for my children and their need for the kindness and care of their mother who is away from them and they cannot live without her. I hope that your Eminence will respond with regard to my problem in the light of what I mentioned. May Allah grant you success and protect you!**

As-salamu `alaikum warahmatullah wabarakatuh!

It is not proper to constantly take oaths of divorce or think ill of your wife without reason. We advise you to beware of this in the future and to fear Allah and think well of your wife. You should not think ill of her



without cause.

As for the Fatwa in your case, I inform you that all you stated of conditional divorce is to be dealt with in this manner; if your intent is to forbid, believe or disbelieve something and not divorce, this takes the ruling of swearing and you must pay for every broken oath a Kaffarah (expiation) which is feeding ten needy persons each one half Sa` (1 Sa` = 2.172 kg) of their staple food of the area where you live or clothing them. If you give them their lunch and dinner at different times, there is no harm. As for the last divorce, it is not counted for she told you that she did not intend anything that harms you and she swore on that. Also, doubts of divorce are valueless and stand for nothing. The same applies to having the intention of divorce without pronouncing it or putting it in writing. The Prophet (peace be upon him) stated: ﴾Allah has forgiven my followers the evil thoughts that occur to their minds, as long as such thoughts are not put into action or uttered.﴿ May Allah protect us and you from the insinuations of Satan and keep all of us on the right path! As-salamu `alaikum warahmatullah wabarakatuh!

`Abdul `Aziz ibn `Abdullah ibn Baz

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## 33- Issue on the ruling on conditional Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our respected brother M. `A. D., may Allah guide you to what pleases Him, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your noble letter dated 18/9/1394 A.H., may Allah guide you! It clarifies the manner in which you divorced your wife. You said to her out of anger: "I divorced her irrevocably and if I take her back in marriage, my other two wives will be considered divorced."**

If this is what actually happened and no other Talaq (divorce pronounced by a husband) occurred either before or after this incident, then she is divorced once and you have the right to take her back in marriage as long as she is in Iddah (woman's prescribed waiting period after divorce or widowhood). If she is past the term of Iddah, then she is only lawful for you through a new marriage contract meeting the Shar`y (Islamic legal) conditions. This Fatwa is substantiated by a Hadith authentically reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with them both) indicating this. Regarding your statement: "If I take her back in marriage, my other two wives will be considered divorced," this varies according to your intention.

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If you intended that your other two wives will be divorced upon taking her back, then each of the other two wives will be divorced once if you take her back in marriage. If your intention is to withhold yourself from taking her back, and not to divorce your other two wives if you continue the marriage, then this comes under the same ruling as a broken oath that requires Kaffarah (expiation) on your part, because you meant only to compel yourself not to take back the wife in question. The Kaffarah for an unfulfilled oath is to feed ten needy persons, each half a Sa` (1 Sa` = 2.172 kg) of the staple food of your country, clothing them, or emancipating a slave. I ask Allah to guide us all to what pleases Him. Indeed, He is the Most Generous, the All-Bountiful. As-salamu `alaykum warahmatullah wabarakatuh!

## 34- Ruling on the second wife stipulating the triple Talaq of the first

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to our honorable brother, his Eminence the Chairman of the Court of Bishah, may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother, I have received your noble letter no. 2116 dated 29/10/1390 A.H., may Allah guide you!**

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**I read the copy of the official record attached thereto including the verification your Eminence made regarding the manner in which H. N. R divorced his wife. He acknowledged before you that he divorced his wife by saying: "You are divorced and then you are divorced thrice." This is because he married another wife who stipulated that the first should be divorced. He divorced her in the manner stated without adding any other word. No further Talaq (divorce pronounced by a husband) occurred before or after this incident. He took her back in marriage on the very night he divorced her. This took place on Jumada II - 1390 A.H. He had two witnesses to bear witness to this. He brought the two mentioned witnesses before you to testify to what he mentioned. The wife's father acknowledged before your Eminence that his daughter came to him with her jewelry and furniture without mentioning anything about Talaq. He was not present when her husband divorced her and he knew about it only from people. There was no other Talaq, either before or after this.**

Based on this, I gave a Fatwa to the husband referred to that he divorced his wife twice in consequence of the mentioned account of Talaq; once by saying: "You are divorced" and the other by saying: "Then you are divorced thrice." There only remains for him one pronouncement of Talaq (before she is irrevocably divorced). His taking her back in marriage is legal. In fact, there is evidence to that effect authentically reported from the Prophet (peace be upon him), as it is well-known. I hope you notify all concerned parties of the mentioned Fatwa and guide the husband to repent, for the manner he divorced his wife is Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect), as your Eminence knows.

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May Allah reward you and bless your efforts and make us and you among those who help out those in need! Indeed, He is the Best to be asked.

As-salamu `alaykum warahmatullah wabarakatuh!

## 35- Ruling on a husband who says: "This is considered separation from you" while intending Talaq

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to our honorable brother A. M. J., may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your letter dated 18/3/1393 A.H., may Allah guide you! It states that you told your wife if she went to the market, she would be separated from you and if she went to her paternal uncle's house, she would be separated from you. By separation you meant Talaq (divorce pronounced by a husband); but your intention was just to prevent her. Yet she went to the market and to her paternal uncle's house. Then you took her back in marriage and told her about this.**



**A:** If the case is as you have mentioned, that you meant by separation in both conditions Talaq, without intending a divorce of any other kind, and you have not divorced her before, then she is considered divorced twice as you said yourself. Every condition broken results in one Talaq taking effect. There only remains for you one pronouncement of Talaq (before she is irrevocably divorced). Your taking her back in marriage is valid, if it was done while she was still in `Iddah (woman's prescribed waiting period after divorce or widowhood), according to your intention. The Messenger of Allah (peace be upon him) said: (Actions depend upon intentions, and each person will have but that which he intended.) If you, she, or her Waliy (a legally accountable person acting for a woman seeking marriage) knew about and doubted this, then you all should go to his Eminence the judge of Al-Jurschy to question you all about what really happened and whether this was preceded or followed by any other Talaq. Then you can report this to me to re-examine the case, In sha'a-Allah (if Allah wills). If his Eminence wishes to issue you a Fatwa, then this is sufficient for you, In sha'a-Allah. May Allah set right our conditions! My advice to you is to beware and not to rush into Talaq and to restrict yourself to rebuking, advising, promising or threatening. May Allah guide you and protect you from the evil of yourself and set right the conditions of you both! He is All-Hearer, Ever Near.

As-salamu `alaykum warahmatullah wabarakatuh!

## 36- Ruling on saying: "If you go with us, you will no longer be my wife"

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, his Excellency Chief of the Court of `Ar`ar and adjacent districts, may Allah guide you to all goodness, Amen! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother, I have seen the attached copy of the official record dictated by your Excellency dated 5/9/1390 A.H. delivered to me with the letter received from Mr. A. F. A. dated 4/8/1390 H. as a reply to my letter to him no. 1356 dated 4/8/1390 A.H. I comprehended what your Eminence mentioned concerning the way the referred to husband divorced his wife, for he said to her: "If you go with us, you will no longer be my wife," aiming at preventing her from going out with him in his car to the desert and not to prevent her from going out with anyone other than him. Then, the wife went out with someone other than him without his knowledge. Moreover, he said to her a year before: "You are divorced," and said to her a third time while he was disciplining one of his sons: "O woman leave me, you are divorced thrice," and then he revoked the Talaq (divorce pronounced by a husband) at once and took her back. The divorced woman verified his statement and his revocation of Talaq.**



In accordance with this, I gave a Fatwa to the referred to husband that his wife is divorced twice; the first one of them by his saying: "You are divorced," and the second by his saying: "You are divorced thrice." His taking her back in marriage is valid, based on authentic Hadith indicating that divorcing the wife thrice with one pronouncement counts as one Talaq, as it is known. As for his saying: "If you go with us, you will no longer be my wife," it is of no consequences, for he only meant by this to prevent her from going out with him, and not from going out with whomever else. Deeds are governed by intentions. I hope that you inform all concerned parties of this Fatwa and to advise the husband to repent to Allah for divorcing his wife thrice with one pronouncement, for this manner of Talaq is prohibited as your Eminence knows. May Allah reward you and bless your efforts! As-salamu `alaykum warahmatullah wabarakatu!

## 37- Issue on conditional divorce

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to His Eminence the respected brother, the President of Al-Ahsa' Courts, may Allah guide all Muslims to every good, amen!**

**As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:**

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**Dear brother, I received your kind book no. 6550 on 1/9/1393 A.H., may Allah bless you! I have reviewed all the attached papers concerning the divorce of a husband to his wife. After asking the husband about his intention regarding the conditional divorce and the prohibition which took place regarding marrying his daughter to a certain person, he answered that his intention was to exhort himself to marry his daughter to the concerned person in the future. If she marries another person without his consent, his wife will be divorced thrice and will be prohibited to him, as he said. He repeated the prohibition as well as triple divorce with the intention of reservation, as he said.**

Accordingly, I gave a fatwa that his wife is still lawful because divorce and prohibition has not taken effect if the condition has not taken place up to the date of this fatwa. It is well-known that the result of conditional divorce does not take place until the condition is fulfilled. If his daughter marries another person other than the mentioned one, his wife will be divorced once according to the views of scholars because of the well-known Hadith of Ibn `Abbas (may Allah be pleased with them) in this regard. He must then pay the expiation for Zhihar (a man likening his wife to an unmarriageable relative) if his daughter marries other than the mentioned person because he intended to prohibit it. Could you kindly urge the father of the wife to give him his wife back. May Allah reconcile your efforts, bless you and to pardon us all for He is the Most Generous! As-salamu `Alaikum warahmatullah wabarakatuh!

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## 38- Ruling on conditional divorce

**The husband H. M. and his brother-in-law `A. S. came to my office. The husband stated that he became angry at his wife and warned her that if she visited her brother, he would divorce her, so she did not go. Later, he ordered her to do something but she did not. Upon this, he pronounced triple divorce (three simultaneous pronouncements of divorce). This happened five days ago and he has never divorced her before or after this situation. The wife confirmed what the husband has said and that he has never divorced her before or after this incident. The brother-in-law testified that he does not know anything about this incident except what the couple said. He added that he did not know that the husband divorced his wife except this time.**

Accordingly, I have issued a Fatwa to the concerned husband that the conditional divorce did not occur for his wife did not go out of her house. As for the situation in which the husband pronounced triple divorce, the divorce is counted as one. It is permissible for him to revoke the divorce as long as she is in `Iddah (woman's prescribed waiting period after divorce or widowhood). It was authentically reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with them both) to the effect that such Talaq (divorce pronounced by a husband) is considered only one Talaq. The husband has taken her back in marriage at my office and in the presence of her brother. I informed the husband that triple divorce is not permissible and

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tchat he has to offer Tawbah (repentance to Allah). May Allah set right the affairs of all Muslims! Dictated by `Abdul-`Aziz ibn `Abdullah ibn Baz President of the Islamic University in Al-Madinah, may Allah forgive him! May peace and blessings of Allah be upon His Servant and Messenger Muhammad, his family, and Companions!

## 39- A man threatened to divorce his wife thrice and irrevocably if she left his house, then she went out forgetfully

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, his Eminence Chief of the Court of Al-Dammam Al-Kubra and adjacent districts, may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother, I received your noble letter no. 126 dated 28/12/1389 A.H. which is a reply to my letter no. 2529 dated 21/12/1389 A.H. may Allah bless you! I understood what your Eminence maintained concerning the way Mr. J. F. divorced his wife, as he said to her: "If you leave the house without my permission, you are divorced thrice."**



**Then, she went out of his house forgetting this threat of Talaq (divorce pronounced by a husband). He has not divorced her before or after this time, as you clarified after hearing the statements of the man and his divorced wife.** In accordance with this, I issued a Fatwa to the husband, Mr. J., that no Talaq takes effect in consequence of this, according to the most correct scholarly opinion, as it is well-known. This is because she went out forgetfully, not intentionally. Allah (Exalted be He) says: ﴾Our Lord! Punish us not if we forget or fall into error﴿ It is authentically reported that the Prophet (peace be upon him) stated that Allah (Glorified be He) replied: "I already have (pardoned you)." Moreover, if the husband set this condition to prevent her from going out and not to divorce her after her going out, this will come under the same ruling as a broken oath, according to the most correct scholarly opinion. Consequently, he is required to offer Kaffarah (expiation) for oath breaking, if she violates the condition and goes out. However, if he meant divorcing her when she does go out, then she is divorced once, if she goes out deliberately while remembering the threat of Talaq. Her husband is allowed to take her back in marriage if she is still in `Iddah (woman's prescribed waiting period after divorce or widowhood), according to the well-known Hadith of Ibn `Abbas.

I hope that your Eminence will inform all parties involved of this Fatwa, may Allah reward you for your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

## 40- Issue on conditional divorce

**From** `Abdul `Aziz ibn `Abdullah ibn Baz **to the honorable brother...May Allah grant him all success! Ameen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your letter dated 4 Rabi` I, 1390 A.H., may Allah support you with His guidance! It stated that you took an oath of triple divorce (three simultaneous pronouncements of divorce) not to enter your uncle's home, but you did. Then you took four oaths of Talaq (divorce pronounced by a husband) not to smoke again, and you did without telling your wife. Now, you have repented, regret what you have done, and want a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.**

**Answer:** If the case is as you mentioned and you did not intend to divorce your wife if you entered your uncle's home, or smoked and intended just to prevent yourself from doing so; Talaq does not take effect and you must offer five Kaffarah (expiation) for five oaths, for each feeding ten needy people each with half a Sa` (1 Sa` = 2.172 kg) of dates, rice, wheat or barely. If you give each one two and half a Sa`, this is sufficient. Each of the five Talaqs takes the ruling of breaking an oath,



if after each of the four oaths of smoking you were to return to smoking. However, if you took these four oaths of Talaq successively to emphasize the first oath and returned to smoking only after the fourth one, you must offer only one Kaffarah (expiation) along with the Kaffarah for your oath not to enter your uncle's home. I advise you to beware and to hold your tongue. May Allah guide us all to His Straight Path and protect us and all Muslims from the insinuations of Satan. Praise be to Allah Who bestowed upon you the favor of quitting this abominable smoking. May Allah help you remain adherent to Al-Haqq (the Truth) and save you against the evils of yourself! If you do not understand any part of my Fatwa, refer it to His Eminence Shaykh `A.H or any other judge and he will explain it to you in sha'a-Allah (if Allah wills). May Allah grant us all success! As-salamu `alaikum warahmatullah wabarakatuh!

## 41- Issue on conditional divorce

**From Abdul Aziz ibn Abdullah ibn Baz to the respected brother His Eminence President of Bishah Court, may Allah guide you to all goodness! Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

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**I received your noble letter no. 2024 dated 28/06/1393 A.H., in reply to my letter number 934 dated 11/05/1393 A.H. You mentioned that the divorcee, her Wali (a legally accountable person acting for a woman regarding marriage), and the witness who was present at the time of divorce came to you. The divorcee mentioned that the husband did not pronounce any Talaq (divorce pronounced by a husband) other than the one I mentioned in my letters referred to above.**

I read the attached document dictated by His Eminence no. 286 dated 18/11/1391 A.H. This document records one Talaq that was given by the husband to his wife on 01/08/1391 A.H., and states that the husband had not pronounced any Talaq before this one. Based on this and the husband's confession, I explained in my letter referred to above, that he became angry because of a conversation that took place between him and his wife one evening. He said: "If you don't behave well this evening, you will be considered Taliq 'divorced'." The wife replied: "Give me Talaq." The husband thus called his brother, told him about what happened, and said to him: "She is Taliq because she refuses to behave well this evening." The husband informed his brother also that he intended by this a conditional divorce and that he had given his wife one Talaq before while she was pregnant and signed a document to that effect. He then remarried her after the delivery of the baby and Your Eminence concluded their marriage contract. The husband mentioned that he did not give Talaq other than what was mentioned. My Fatwa (legal opinion issued by a qualified Muslim scholar) to the concerned husband is that

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two Talaqs (divorces) are counted, but he may revoke the (second) Talaq so long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. In case the `Iddah has expired, the couple may not resume the marriage unless they conclude a new contract of marriage that meets legal conditions, as known through legal proofs. I thus hope that you will inform the husband and the Wali of the divorcee of this Fatwa. May Allah reward you and bless your efforts! As-salamu `alaikum warahmatullah wabarakatuh!

## 42- Issue on conditional divorce

**Q: Once I swore to my wife saying: "By Allah if you do not return to our home today, you will be divorced," while she was in her father's house. However, this was only five days after delivery and I said so due to some misunderstanding between me and her father. I never intended divorce and I aimed at threatening her with divorce so she would leave her father's house and return home. Then, after I calmed down I blamed myself and feared that she may be harmed by going out in this time. Any way, she did not go to our house at this time. Some years later she was nagging me about something I had no desire to hear, so I swore to her saying: "By Allah, the Most Great, if you**



**do not stop talking about this, you are divorced." However, she continued. I intended in this case as well to prevent her from talking by scaring her with divorce and had no intention of doing so. I wanted her to obey me, stop talking and drop the subject. Are these times regarded as two oaths, two pronouncements of divorce, or both? Moreover, I also swore to her that if she dealt with any matter without consulting me, she would be unmarriageable to me like my mother and sister. Again, also with the aim of threatening her against dealing with matters without my consent and ignoring my wishes. Is this time regarded as Zhihar (a man likening his wife to an unmarriageable relative) or oath? Kindly reply, may Allah reward you!**

**A:** This manner of dealing with matters is improper. You must take your time and not hasten to divorce or deem your wife unmarriageable to you. However, if the case is as mention and you meant nothing but frightening and urging her to abide by your orders, all of the aforementioned three cases; the first time of divorce, the second time and the third case in which you deemed her unmarriageable like your mother and sister, are regarded as oaths and you are required to offer three Kaffarahs (expiation) for an oath for each.



This entails feeding ten needy persons each one half Sa` (1 Sa` = 2.172 kg) from foodstuffs of your area such as dates or the like, or clothing them with what is adequate to offer Salah (Prayer) in; meaning Izar (garment worn below the waist), Rida' (garment worn around the upper part of the body( as a shirt and turban. Moreover, if you offer them lunch or dinner in your home, there will be no harm. In addition, you must repent to Allah from deeming your wife as unmarriageable for this is legally unacceptable as she is already marriageable for you according to the strongest and the soundest opinion of scholars. You are also required to offer Kaffarah for this and neither this statement nor pronouncements of divorce take effect. This is the preponderant of the opinions of scholars on these three issues. May Allah guide us and you!

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## Chapter on swearing an oath of Talaq

(Part No. 22; Page No. 78)

(Part No. 22; Page No. 79)

### 43- Ruling on saying: "By Allah, I shall divorce you thrice"

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother A. M. S., may Allah grant you success, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your letter dated 8/7/1394 A.H., may Allah bless you, in which you informed us about the dispute which occurred between you and your wife that escalated to a fight. In the midst of the dispute and intense feelings of anger, you told her: "By Allah, I shall divorce you thrice." The neighbors interfered and settled the dispute. The next day, your wife phoned her family and told them about the dispute and has been keeping herself away from you since Monday 11/6/ 1394 A.H., the date on which the dispute occurred. When her brother came, she told him the story, but you do not know exactly what she told him. You also narrated to him all what happened and he told you that your wife heard you saying: "By Allah! I will divorce you three, four, or five times at once." Your brother-in-law took your wife and children and traveled to Al-Madinah. You sent this letter asking for a Fatwa.**

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**A:** If the case is as you mentioned, Talaq (divorce pronounced by a husband) which you pronounced by saying: "By Allah! I will divorce you thrice" or as your wife claims: "By Allah! I will divorce you three, four, or five times at once" is not legally effective. This is because the expression which you used falls under the ruling on threatening to divorce, not under the ruling on effecting divorce. If you have not carried out your threat, you must pay Kaffarah (expiation) for breaking an oath. The Kaffarah is to feed ten needy persons, each half a Sa` (1 Sa` = 2.172 kg) of the staple food of your country, such as rice or the like. It is also sufficient if you provide them with lunch or dinner. You may show my letter to your wife's Waliy (a legally accountable person acting for a woman seeking marriage) to be informed of the ruling on the case and give you back your wife. If he is convinced and allows you to take her back, this is what is sought. If your wife claims that the situation is unlike what you have mentioned, you can visit his Eminence `A. S. M., the Summary Court Judge in Al-

Madinah to prove your claim. You may inform me of the developments in order to re-examine the issue, In sha'a-Allah (if Allah wills). May Allah set right the conditions of all Muslims! There is no need to visiting me at my office.

As-salamu `alaykum warahmatullah wabarakatuh!

## 44- Ruling on swearing an oath of Talaq to forbid his wife from doing something

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother his Eminence, Judge of Khamis Mushait, may Allah protect you, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother, I received your letter no. 2842 dated 17/8/1392 A.H. may Allah guide you, which reads: (In reference to your letter no. 1401 dated 26/7/1392 A.H. concerning the inquiry of the husband `A. `A. K., we would like to inform you that he came to us with his wife stating that there had been a misunderstanding between him, his wife and other women in Tabuk. Consequently, he told her twice and consecutively: "I swear an oath of Talaq (divorce pronounced by a husband) that you will not enter Abha." Afterwards, he was transferred to Khamis Mushait as he is in the military. It is worth mentioning that he is a resident of Abha, but since then he has refused to enter it fearing that his statement would be counted as Talaq; while he, his family and his tribe are all residents of Abha. The probability of his being transferred to the front lines, and his financial situation required him to return to his home in Abha. Furthermore, when he was asked about his intention of twice uttering the oath of Talaq, whether emphasis or repetition,**



**he replied that he meant nothing but to make his wife understand, and that he did not mean Talaq at all; rather, he said that in a moment of anger. His wife confirmed all what he said. He also mentioned that he has not divorced her before or after that, for they had always been good companions to each other. Yet, she has not been able to enter Abha awaiting release from the husband's statement. This is what the two parties agreed to have taken place.)**

Based on this, I have issued a Fatwa (legal opinion issued by a qualified scholar) that the Talaq he pronounced falls under the ruling of an oath, thus, the husband must offer Kaffarah (expiation) once his wife enters Abha, since he has not intended Talaq; rather, he meant to prevent her from entering Abha, according to the Shar`y (Islamically lawful) evidence emphasizing this, and the opinion of a group of Salaf (righteous predecessors) such as Shaykh of Islam Ibn Taymiyah (may Allah be merciful with him). Therefore, kindly notify all parties of this Fatwa, may Allah reward you on behalf of everyone and bless your efforts!

As-salamu `alaykum warahmatullah wabarakatuh!

### 45- Ruling on taking an oath of divorce and fulfilling it

**From Abdul-`Aziz ibn Abdullah ibn Baz to the respected brother, may Allah guide you to all goodness! Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your noble letter dated 26/02/1389 A. H., in which you mention that you visited a person who bought an animal to slaughter for some other guests who came in before you. When you saw him intending to slaughter the animal you said to him: "I take an oath of triple divorce that this animal is not to be slaughtered." Your host then said: "I am not going to slaughter this animal for you, but for the guests who came in before you." Then he slaughtered it. You enquired whether this is counted as Talaq (divorce pronounced by a husband) or not.**

**Answer:** If the case is exactly as you mentioned, no Talaq is counted and your wife is still in your `Ismah (the bond of marriage). This is because the animal was not slaughtered for you but for others and consequently you did not break your oath. However, you have to avoid doing this again for giving triple divorce (three simultaneous pronouncements of divorce) is not permissible. Generally speaking, it is better for Muslims to avoid



using any form of Talaq for such purposes. May Allah guide us all to a sound understanding of Islam and keep us firmly upon it! Verily, Allah is the Most Bountiful, the Most Generous.

As-salamu `alaikum warahmatullah wabarakatuh!

## 46- Ruling on saying: "I swear that my wife will be unlawful to me... " without intending an oath or Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence the Judge of Rafha', may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your noble letter no. 554 dated 12/09/1390 A. H. You mention in this letter that `A. T. `A. submitted to you his attached enquiry in which he stated that when he visited one of his relatives and saw him preparing to slaughter an animal to feed him, he (the guest) said: "I swear that my wife will be unlawful to me if you slaughter the animal." He intended by this, as he mentioned, to prevent his host from slaughtering the animal by use of the strongest oath he knew. Nevertheless, the host slaughtered the animal, cooked it, and the guest ate from its meat while not knowing whether what he said meant an oath, a Talaq (divorce pronounced by a husband), or Zhihar (a man likening his wife to an unmarriageable relative),



but he definitely intended to prevent his host from unnecessary spending.

Based on all the foregoing, my Fatwa to the concerned person is that what he said falls under the ruling of a oath and that he has to offer Kaffarah (expiation) for breaking an oath, according to the most correct opinion of scholars. This is because he intended to prevent his host from slaughtering the animal, not to make his wife unlawful to him, as it is clear from his confession that Your Eminence recorded. I thus hope that you inform him of this Fatwa. May Allah reward you and bless your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

## 47- Telling one's wife that sleeping with her is Haram

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother A.M.T, may Allah guide you to all that is good. Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed... I received your honorable letter dated 9/3/1389 A.H. in which you mentioned that a dispute took place between you and your wife, following which she left the house. You also said that when you tried to bring her back home, she said that you only wanted her to return because you wanted to sleep with her. Hearing that, you became angry and told her that it is Haram (prohibited) to sleep with her.**

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**In your letter, you asked about the ruling on what happened.**

**A:** It is not permissible for you to make Haram what Allah has made Halal (lawful). You must observe Tawbah (repentance to Allah) and be determined never to repeat this. Your wife is lawful to you. You must offer Kaffarah (expiation) for your oath that you would not sleep with her. Kaffarah entails feeding ten needy persons, each of them half a Sa` (1 Sa` = 2.172 kg) of dates, rice or barely. If you give them lunch or dinner, this will suffice. Sa`, according to the Prophet (peace be upon him), is about four handfuls as measured by hands of ordinary size. May Allah guide everyone to comprehend Islam and hold fast to it, for indeed He is All-Generous, All-Bountiful! As-salamu `alaykum warahmatullah wabarakatuh!

## 48- Ruling on saying: "You are unlawful to me. Do not come back to my home." and: "I give you an irrevocable Khul`."

A husband, his mother, his wife, and her nephew visited me. The husband confessed that in the year 1389 A. H., he became angry with his wife and swore by Allah that if she took their son to his cousin's house, he would never utter her name you; or, as the husband was not exactly sure what he said, that she would be unlawful to him and was not to return. The husband mentioned that his intention was to prevent his wife from going out. He said that he asked some Shaykhs to give him Fatwa (legal opinion issued by a qualified Muslim scholar) on this and they advised him



to offer an oath Kaffarah (expiation). However, in the year 1391 A. H., the husband became angry with his wife and divorced her saying: "She is divorced." The husband in question then revoked this divorce, but about three days ago he again became angry with his wife and divorced her. He did not remember except divorcing her one time only. He had a change of heart and started to weep. The husband mentioned that his sister and his brother's wife told him that in his last pronouncement of Talaq he said: "I give you an irrevocable Khul`(this word means her divorce)." I asked the wife about what her husband said and she affirmed it all except the divorced that she mentioned she did not hear. I asked the husband's mother about what was said by her son and she affirmed it all. I asked Muhammad (the wife's nephew) referred to above, and he answered that he did not witness any of this and that neither he nor his father know anything about it.

Based on this I gave the concerned parties a Fatwa that the first divorce is considered an oath confirming the previous fatwa. On the other hand, the divorce that the husband gave in the year 1391 A. H., and the other divorce are counted as two times of divorce i.e. one Talaq (divorce pronounced by a husband) remains for the wife. I told the husband that he may revoke such divorce if the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. He thus revoked the divorce in her and her nephew's presence and she came back to his `Ismah (the bond of marriage, i.e. the right to initiate divorce). I advised the couple to live kindly with each other and to avoid all what leads to this extreme anger.

Abdul Aziz ibn Abdullah ibn Baz

May Allah pardon him! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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## 49- Ruling on pronouncing Talaq and swearing that a person's wife will be unlawful to him if he does something then he does it

**From Abdul Aziz ibn Abdullah ibn Baz to the respected brother, may Allah guide you to all goodness! Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your noble letter dated 25/12/1390 A.H., in reply to my letter to you number 2379, dated 16/12/1390. I understood that you could not bring the Waliy (a legally accountable person acting for a woman seeking marriage) of the wife to the Shaykh. You mentioned that the Waly did not know what took place and that you would not like him to know. You asked me to give you a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter. I thus referred to your previous letter and I knew that you divorced your wife only one time and swore twice that your wife would be unlawful to you if you did not abandon smoking, and you did not. You mentioned in the letter that you still avoid having any sexual relations with your wife.**

My answer is that if your intention was to prevent yourself from smoking, not to divorce your wife, this is considered an oath for which you must offer two Kaffarahs (expiations); one for the oath of divorce, and the other for the oath of declaring your wife as unlawful to you. The Kaffarah is to feed ten Miskins (needy persons) each one Sa`(1 Sa` = 2.172 kg) of

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the staple food of the country, one half for the Kaffarah of the oath of divorce, and the other for the Kaffarah of the oath of declaring your wife unlawful to you. However, it is also sufficient to give them lunch or dinner two times. You must offer Tawbah (repentance to Allah) for what you did as smoking is Haram (prohibited), impure and harmful to one's faith and health. Smoking decreases Iman (Faith/belief) and is one of the causes of incurring Allah's wrath and thus you must abandon and avoid it seeking the help of Allah to enable you to do so. May Allah guide me and you to His Straight Path! May He protect me and you against the incitement of Satan! Verily, Allah is the Most bountiful, the Most Generous. As-salamu `alaikum warahmatullah wabarakatuh.

## 50- Issue on swearing an oath of Talaq

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother A.M.A, may Allah guide you to every good! Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed... I received your letter dated 12/7/1389 A.H. including the case of a man who swore an oath that he would divorce his wife if he reconciled with another man, knowing that he already divorced his wife twice before. The son of each of them is married to the sister of the other, and both of them**

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**have ordered their sons to divorce their wives. You asked me about the ruling on this and whether Talaq (divorce pronounced by a husband) would take place if the two men reconcile. You also asked whether it a must for the two sons to obey their fathers and divorce their wives without having done anything wrong.**

**Answer to the first question:** If the man meant - when swearing by Talaq - to urge himself not to reconcile with his brother and did not mean to divorce his wife, Talaq would not count. It would be considered an oath, according to the most correct opinion of scholars. In this case, he has to offer Kaffarah (expiation), as it was reported that many of the Salaf (righteous predecessors) gave this Fatwa and rules of Shari`ah (Islamic law) are to this effect. The man did not mean to divorce his wife, he only wanted to urge himself not to reconcile with his brother. However, if he intended to divorce her in case he reconciled with his brother, she would be divorced and it would be unlawful to him to take her back in marriage because this is the third time of Talaq. He can only take her back in marriage after she marries another man, not Tahlil marriage (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and this marriage is consummated then ends lawfully either in Talaq or by the husband's death.

**Answer to the second question:** The sons do not have to obey their fathers and divorce their wives without a legitimate reason. Divorcing them is not a form of being dutiful to their parents if they have not done wrong to their husbands.

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The Messenger (peace be upon him) said: (Submission is obligatory only in what is good (and reasonable).) Talaq should not take place without a legitimate cause. May Allah guide everyone to comprehend Islam and hold fast to it! As-salamu `alaykum warahmatullah wabarakatuh

## Ruling on swearing an oath of Talaq

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother W.M.A, may Allah guide you to every good! Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed...**

**I received your letter dated 16/1/1393 A.H. notifying that you took an oath of Talaq (divorce) that you would meet someone at a certain time, but you arrived two hours late for your appointment. You asked about a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.**

**A:** If you intended to compel yourself to be punctual and did not mean to divorce your wife if you were late, then Talaq would not count and you must offer Kaffarah (expiation) for an oath.

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This entails feeding ten needy persons; each of them half a Sa` (1 Sa` = 2.172 kg) of staple food, such as dates, rice, barely, etc. However, if you meant otherwise and there was a problem between you and your wife's family, your wife has to come with her Waliy (a legally accountable person acting for a woman seeking marriage) before the judge to issue the Fatwa he sees fit or to verify what happened and notify me accordingly. I will then review the matter, In sha'a-Allah (if Allah wills). May Allah guide us all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh

## 52- A question relating to taking an oath of Talaq

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence President of Bishah Court, may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your noble letter no. 2270 dated in 18/11/1389 A.H. I also read the attached document in which Your Eminence recorded the manner of the Talaq (divorce pronounced by a husband) that was given by the husband M. S. S. to his wife S. It mentioned that the concerned husband divorced his wife thrice with one pronouncement six months ago. Also, the same husband previously swore that his wife referred to above and another one are as unlawful to him as his mother, and that neither one of them would remain with him.**

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**Consequently, the two wives left his house. The husband then asked you to give him a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter and you had him revoke his statement and receive his wife back in his house. The husband was asked whether he intended Talaq by the oath mentioned above and he answered in the negative. On the other hand, the Waliy (a legally accountable person acting for a woman regarding marriage) of the concerned wife said that he did not witness the Talaq, but produced a document that proves the triple Talaq given by the husband M. S. The Waliy mentioned also that this Talaq was preceded by another one.**

**A:** If the Talaq which is recorded in the document mentioned above is the same that the husband confessed to before you and the Zhihar (a man likening his wife to an unmarriageable relative) that he made, for which you gave a Fatwa, is the Talaq that the Waliy stated was previously given by the husband; my Fatwa to the concerned husband is that according to the manner of Talaq mentioned above, only one Talaq is counted. The husband may revoke such Talaq by concluding a new marriage contract that meets the Shar`y (Islamic legal) conditions, as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of the wife has expired; unless the claim of the husband that he revoked such Talaq during the `Iddah of his wife is proven for you. It is known that there is a Sahih (authentic) Hadith to this effect, which supports the stated Fatwa. I thus hope that you complete the necessary procedures and inform all the concerned parties of the Fatwa mentioned above. But in case that the reality is something other than what is mentioned above, please uphold the execution of the Fatwa and inform me of whatever you record. May Allah reward you for your efforts!

As-salamu `alaykum warahmatullah wabarakatuh!

## 53- Issue on taking an oath of Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to Your Excellency, Judge of Al-Khafjiy, may Allah guide you to all good! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your letter number (254) dated 28/03/1391 A.H. I understood your verification of the manner of Talaq (divorce pronounced by a husband) that the husband `A.M.Sh. gave to his wife. You mentioned that the husband came to you with his wife, her uncle, and her brother and stated that one of their relatives proposed to his sister. However, the proposal was rejected by his mother and other brother. The husband in question, thus, swore an oath of triple Talaq (divorcing one's wife thrice with one pronouncement) that he would not enter the house of his mother and brother if they do not accept the proposal. The husband mentioned also, as recorded in the attached document, that his mother and brother still insist on rejecting the marriage proposal and that he really intended triple Talaq by the oath he swore. The husband also stated that he has not given any Talaq other than what was mentioned; neither before nor after it.

Based on this information, my Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband in question is that what he said is only an oath if he only intended to motivate his mother and brother to accept the man's marriage proposal, and he did not intend to divorce his wife if the proposal was rejected



as the literal meaning of his words indicates. The concerned husband has, thus, to offer Kaffarah (expiation) for an oath if he enters the house of his mother or brother according to the most correct opinion of scholars. Accordingly, his wife is to remain in his `Ismah (the bond of marriage). I hope you will inform all the concerned parties of this Fatwa and warn the husband against using Talaq in this manner and against triple Talaq, which is not permissible as you know. May Allah reward you for your efforts and for supporting Muslims! As-salamu `alaykum warahmatullah wabarakatuh

## 54- Issue on swearing an oath of Talaq

Your Excellency, Shaykh `Abdul-`Aziz ibn Baz, may Allah keep you in safety! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!

I am writing to Your Eminence because, as you know, in most Masjids (mosques) in Buraydah, worshippers' names are called out after Fajr (Dawn) Prayer to check whether they have attended Salah (Prayer) or not. As usual, my name is called out along with others. They are so accustomed to this habit to the extent that the Imam (the one who leads congregational Prayer) when asked, for example, about his grandson says for all to hear, "He did not attend the Salah, and I am sure that he is at home" as they both live in one house. Because I am a Muslim and



I believe in the pillars of Islam and know our sacred Faith, I took an oath of triple Talaq (divorce pronounced by a husband) that I will never answer when my name is called out so that none would know that I have attended the congregational Prayer. I did so because a Muslim should free their deeds of Riya' (showing-off) and insincerity and fear no one when worshipping their Lord. I wrote a paper including this oath on 29/4/1388 A.H. Yet, some members responsible for enjoining good are pressurizing me because I remain silent when they call my name out, thinking that I do not offer Salah and remain asleep at home. I hope Your Eminence will explain what I should do. Should I assert my presence at Salah and divorce my wife, who is the mother of my children, even though I cannot afford to marry again as I am an employee with limited income? I am embarrassed to inform them of this when they call my name out after the Fajr Prayer. This is my case and I hope what I mentioned is sufficient to explain to Your Eminence the reality of the matter so that I can know what should be done. Many thanks for Your Eminence for the Fatwas (legal opinions issued by a qualified Muslim scholar) you give inquirers who may have similar questions and doubtful thoughts. May Allah bless your well intended efforts and save you from the Fire! As-salamu `alaykum warahmatullah wabarakatuh

Written on 7/8/1388 A.H.



From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Mr. S.A.M. may Allah guide you to every good! Amen!

As-salamu `alaykum warahmatullah wabarakatuh

Dear brother, I received your letter dated 7/8/1388 A.H., may Allah grant you guidance, and all that you explained regarding your conditional Talaq was quite clear to me.

**A:** I advise you to arrive to Fajr Prayer early so that the Imam and others see that you come to Salah

and notice your observance of this and, thus, stop calling out your name. By doing so, you achieve two benefits; observing congregational Prayer, and avoiding Talaq. Of course, you should not have taken that oath of Talaq because of this matter. You ought to have remained patient like others and answer whenever your name is called out so that others will know that you observe offering congregational Salah. However, there may be good in what happened. May Allah guide us and you to what pleases Him and safeguard you from the evil of anger and insinuations of Satan, for He is All-Bountiful, Most Generous! You may inform the Imam and some others of your need so that they may stop calling out your name and just visually check your attendance. If they do not agree to this, you may inform me and I, In sha'a Allah (if Allah wills), will deal with the matter. May Allah set right all our intentions! As-salamu `alaykum warahmatullah wabarakatuh

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## 55- What is the ruling on he who makes an oath of divorce without actually intending to divorce his wife

**Q: A brother from `Afif in the Kingdom of Saudi Arabia says: "There was a dispute between me and one of my friends, so I made an oath of divorce not to talk to him or even enter his home by saying several times: 'My wife shall be divorced and prohibited to me as my sister if I talk to him or enter his house after this day.' I repeated this several times but did not intend to divorce my wife. My intent was to prevent myself from entering his house. After some time, the dispute was resolved and I wished to put an end to the ill-feelings between us, and I regretted my hastiness. Is there any way to offer Kaffarah (expiation) for the oath and resume my friendship without putting the oath into effect? Kindly advise? May Allah reward you!**

**A:** If the case took place as mentioned and you merely intended by this divorce not to enter his house without actually divorcing your wife

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if you visited your friend at his house or resumed your relationship with him, it will then suffice to offer Kaffarah for the oath that entails feeding 10 needy persons, or clothing them, or freeing a bondsman. If one is not able to fulfill any of these forms of Kaffarah, one may observe Sawm (Fast) for three days according to the more correct of the two views of scholars. Your wife shall not be divorced or prohibited to you if you resume your ties or enter his house. This is the view of scholars and the choice of Shaykh-ul-Islam Ibn Taymiyah (may Allah be merciful with him).

If you pay the Kaffarah of Zhihar (a man likening his wife to an unmarriageable relative), it will be safer because of the general nature of the proofs of Zhihar as you explicitly stated the prohibition of your wife as your sister. May Allah grant us success!

## Ruling of Shari`ah regarding

## constant taking oaths of divorce

**Q: What is the Shari`ah (Islamic law) ruling regarding constant taking oaths of divorce? Is it permissible to revoke a divorce?**

**A:** A believer should not constantly take oaths of divorce, as it is Makruh (reprehensible) to do so. One should guard one's tongue because (the most detestable lawful thing to Allah is divorce.) as stated by the noble Hadith from the Prophet (peace be upon him). A believer should make sure of matters and should be keen to hold of his tongue from all that is improper,

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including divorce. The decision to divorce should be made intelligently after great deliberation and careful thought. If there is a sound reason to divorce, a man should utter just one divorce as he may later regret it and wish to take his wife back, praise be to Allah. The point is that constant taking oaths of divorce is dangerous and can result in actual divorce. One might take an oath of conditional divorce without intending to divorce, yet divorce can take effect if what one swears not to do occurs or vice versa. However, if one's intention behind this oath of divorce is to threaten and frighten one's wife, such as saying: "If you speak with so-and-so, you will be divorced, or if you go to so-and-so, you will be divorced," then according to the scholars this requires Kaffarah (expiation) for breaking an oath, and does not put divorce into effect. This is the soundest opinion chosen by a group of scholars because he did not intend to divorce, rather he intended only to threaten his wife. In any case, you should guard yourself against continuous taking oaths of divorce as doing so is impermissible. Uttering oaths of divorce frequently without intending divorce may lead to uttering them intending divorce. Moreover, some scholars opine that it takes effect even if one's intention is to threaten and scare one's wife. Thus, one should beware and avoid doing so in order to be on the safe side regarding one's religion and guarding one's chastity and keeping away from doubtful matters of committing what is prohibited. One's decision to divorce should be built on deep insight and should not stem out of anger and haste. One should think carefully about this matter.

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If one thinks it is best to divorce because she is bad-mannered and weak in faith, then one should divorce her once when he has not had intercourse with her after she finishes her menses or when she is pregnant. The Sunnah is that divorce is to take effect in two cases: 1-during pregnancy; 2-when he has not had intercourse with her after she finishes her menses. This is the proper time for divorce according to Shari`ah. As for divorcing a woman during menstruation, postpartum period, or after she finishes her menses where he has had intercourse with her, this is innovated divorce contradicting Allah's statement (Exalted be He): (O Prophet (صلى الله عليه وسلم)! When you divorce women, divorce them at their 'Iddah (prescribed periods)) The Prophet (peace be upon him) explained in the Hadith of Ibn `Umar that divorcing a woman during Tuhr (period of ritual purity) is to take effect if her husband has not had intercourse with her after she finishes her menses or if she is

pregnant. All and every Muslim should observe these matters, observe the Suunah and beware of obeying the Devil in divorcing in a way that contradicts Shari`ah, and should beware of hastening to utter three simultaneous pronouncements of divorce. A Muslim should observe what Allah legislated and should beware of what He prohibited regarding divorce and all their affairs. A believer is a servant who is obliged to abide by Allah's commands and adhere to the Islamic Shari`ah in all matters. One should beware of all that Allah has prohibited, and not be lenient in all matters. Rather, one should be cautious that both one's words and deeds are based on Shari`ah. May Allah grant us all success and guidance!

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## 57- What is the ruling on swearing by divorce if one only intends to prevent oneself from doing something

**From Abdul Aziz ibn Abdullah ibn Baz to our dear honorable brother, may Allah guide you to all goodness, Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your letter dated 11/1/1393 A.H., may Allah guide you! I understood from it that on trying to give up a sin, you held your intention and stated that your wife will be divorced if you turned back to this sin. This took place on 18/12/1391 A.H. You, or no one else knows how many times you mentioned your wife would be divorced. Your intention was not to divorce her, rather you desired to prevent yourself from the sin. The devil tempted and prompted you to commit this sin again and you did. Allah blessed you to repent of this sin and you approached it no more.**

**A:** Your Tawbah (repentance to Allah) pleases me. I ask Allah to keep you firm in Tawbah and grant you steadfast adherence to the religion of Allah (Glorified be He) till you meet Him. May Allah protect you from the evil of yourself and that of the Devil, for He is All-Hearer, Ever Near! I advise you

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to fear Allah (Glorified be He), adhere firmly to His religion, remain repentant of all sins, beware of the means and causes leading to them, and ask Allah to grant you well-being and steadfastness. A servant is subjected to danger throughout all his life, unless Allah grants him steadfastness and success. Allah (Glorified be He) loves to be implored and that His Servants repent to Him. Allah (Glorified be He) promised to accept Tawbah in His statement: ﴾Invoke Me, [i.e. believe in My Oneness (Islâmic Monotheism) and ask Me for anything] I will respond to your (invocation).﴿ May Allah grant us and you steadfastness on truth and success in what pleases Him!

Regarding the divorce in question, it does not take effect according to the soundest viewpoint of scholars and your wife is still in your `Ismah (the bond of marriage) if your intention was to prevent yourself from committing this sin, and did not intend to divorce her. You must offer Kaffarah for breaking an oath, i.e. feed ten poor persons each half a Sa` (1 Sa` = 2.172 kg) of the food of your area as dates, rice, etc. If you give them lunch or dinner or clothed them, this suffices you. May Allah safeguard us, you, and all Muslims against the whispers of the devil, the evils of ourselves and out bad deeds as He is the only One Who is Able to do so! As-salamu `alaikum warahmatullah wabarakatuh!

## 58- Ruling on conditional Talaq

**Q: I told my wife that were she to leave the house without my permission, she should not return to it. My intention was to prevent her from leaving the house. It did not occur to me then to divorce her. Now I fear that my wife might have to leave the house without informing me. Is what happened an oath that I can expiate for now, or what must I do? Please, answer me, may Allah benefit us and you!**

**A:** These words you stated take the ruling of an oath. Once she leaves the house, you have to offer Kaffarah (expiation) for an oath. She is not considered divorced on account of this. If when saying this you conditioned that she should take your permission, then you can give her permission and you are not obliged to offer Kaffarah. The Prophet (peace be upon him) said: ❨The (reward) of deeds depends upon the intentions.❩ He (peace be upon him) also said: ❨Muslims are on (i.e. bound by) their conditions.❩ May Allah grant us success!

## 59- Ruling on conditional Talaq

**Q: During a dispute, one neighbor, in a blaze of anger, said to the other, "If you and your children enter my house, my wife will be divorced." Does this count as Talaq (divorce pronounced by a husband), or is it an oath that has to be expiated for?**

**A:** If the man merely intended to prevent them from entering the house and did not mean to divorce his wife in case they enter the house, this statement of Talaq is considered an oath, and the husband has to offer Kaffarah (expiation) for it according to the more correct of the two scholarly opinions. It is also the opinion of Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him). But if the husband intended both prevention and Talaq, Talaq would take place once they enter the house, and it would be considered one pronouncement effecting Talaq. However, it is permissible for him to take her back in marriage during the `Iddah (woman's prescribed waiting period after divorce or widowhood) if he has not divorced her twice before. May Allah grant us success!

## 60- Ruling on the husband saying to his wife:

## "If you did such and such, you are divorced"

**Q: I said to my wife while in a fit of rage: "If you did such and such, you are divorced." I meant nothing by this except threatening and prevention and not Talaq (divorce pronounced by a husband), taking into consideration that she did not do the thing I forbade her to do. What is the Kaffarah (expiation) for this oath and if she does what I objected to, is she divorced?"**

**A:** If a man says to his wife: "If you did such and such, you are divorced," with the aim of threatening and warning and not Talaq, according to the correct opinion of the scholars, this is counted as an oath and falls under its ruling. Therefore, he is required to offer Kaffarah (expiation) for breaking an oath if his wife does that thing. However, if she does not, there is nothing required of him. The same applies if he said: "If you go to so and so, if you visit so and so, if you attend the wedding of so and so, you are divorced," while intending to threaten and make her fearful of doing that. If she does not abide by his order and disobeys him, he will have to offer Kaffarah for breaking an oath, while the wife will be sinful and must repent to Allah for disobeying her husband. May Allah grant all success!

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## 61- Ruling on swearing an oath of Talaq

## to do such and such a thing and then not doing it

**Q: A newly married man forgot and swore that his wife would be divorced if he did not buy a certain item within the next year. Will his wife be divorced if he does not buy this thing? If he does not buy it, what should he do? Please bear in mind that he is not accustomed to swear an oath of Talaq (divorce pronounced by a husband). He sincerely asked for Allah's Forgiveness.**

**A:** The ruling on such sayings differs depending upon the intention of the husband. If he intends to encourage himself to buy this thing and not to divorce his wife, even if he will not buy it, Talaq in this case takes the ruling of an oath, according to the most correct opinion of scholars. But he must offer Kaffarah (expiation) for breaking the oath, which is to feed ten needy persons, each half a Sa` (1 Sa` = 2.172 kg) of the staple food of the country such as rice, dates, or the like. If he provided the ten with dinner or lunch, or clothes that are suitable to offer Salah (Prayer) in, this is sufficient. However, if he intended to divorce his wife if he does not buy this thing, Talaq takes place. The Muslim should avoid involving Talaq in such situations, for many scholars hold the opinion that Talaq definitely takes place in such cases of conditional Talaq.

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The Prophet (peace be upon him) stated: ﴾Anyone who avoids doubtful matters has protected their religion and honor.﴿ (Agreed upon by Imams Al-Bukhari and Muslim)

## 62- Ruling on swearing an oath of Talaq and declaring the wife as unlawful

**Q: Many people swear oaths of Talaq (divorce pronounced by a husband) and Tahrim (declaring the wife no longer lawful in marriage), what is the ruling on this?**

**A:** With regard to swearing an oath of Talaq, this is Makruh (reprehensible) and should not be done, as it leads to separation from one's family (Talaq), according to some scholars. Talaq is the most detestable of all lawful acts to Allah. The Muslim should hold his tongue and pronounce Talaq only when necessary; when a resolved decision is made while not in a state of anger. It is better to stop at swearing by Allah (Exalted be He) when one wants to cordially insist on a friend or a guest to accept hospitality. In case of anger, one should seek Allah's Refuge from Satan and should restrain his tongue and faculties against what is improper.

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As for declaring a lawful thing as unlawful - whether with an oath or otherwise - this is not permissible. Allah (Exalted be He) states: ﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you﴿ There are so many other known supporting proofs. The Muslim has no right to deem as unlawful what Allah has made lawful. May Allah protect us all against the incitement of Satan!

## 63- Ruling on swearing an oath of triple Talaq

**Q: What is Your Eminence's opinion concerning a man who swears an oath of triple Talaq (divorce pronounced by a husband) that a Muslim brother should do something and he does not? Does his oath go into effect and his wife becomes divorced? What is the ruling of Islam if this man does not put his oath in effect?**

**A:** When a man swears an oath that his wife will be divorced thrice, if so-and-so does not do such-and-such, if he does not serve food for so-and-so, or if he talks to so-and-so; this is an issue that needs elaboration. If he intends emphasis and assertion and not Talaq, this takes the ruling of an oath and so one should offer Kaffarah (expiation) for breaking an oath, which is to feed ten Miskins (needy persons), or to clothe them, or to free a believing slave. If one is unable to do any of these three things, he must fast for three days.



On the other hand, if he intends to divorce his wife if he does not do this thing, his wife is divorced one time even if he pronounces triple Talaq, according to the soundest scholarly opinion. He is permitted to take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If the term of `Iddah ends before returning to him, she is not lawful for him except with a new marriage contract that meets the Shar`y (Islamic legal) conditions. It was authentically reported from the Prophet (peace be upon him) that divorcing the wife thrice with one pronouncement is counted as one Talaq. This is reported by Muslim in a Hadith on the authority of Ibn `Abbas (may Allah be pleased with them both).

## 64- Issue on swearing an oath of Talaq

**Q: What is the ruling on someone who swears an oath of Talaq (divorce pronounced by a husband) that his guest must stay to eat from the goat he will slaughter for him, but the guest leaves without eating? Is there any Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard?**

**A:** If he intends to honor his guest and urge him to stay to eat and he does not intend to divorce his wife, he must offer Kaffarah (expiation) for an oath. This entails feeding ten Miskin (needy persons) or clothing them.

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## Chapter on doubting the occurrence of Talaq

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### 65- Talaq does not take effect when there is doubt

**From** `Abdul-`Aziz ibn `Abdullah ibn Baz **to the respected brother, Shaykh `A. H. Q., may Allah guide you, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother, I have read the letter sent to me by brother `A. `A. T dated 9/6/1390 A.H. in which his describes his divorcing his wife thrice with one pronouncement. He has never divorced her before or after this incident and has revoked the Talaq (divorce pronounced by a husband) before witnesses. I understand your explanation at the end of the letter that his father-in-law testified that the husband did not divorce his daughter.** Accordingly, I have issued a Fatwa that if the husband was quite sure that the Talaq mentioned in the attached letter took place, one pronouncement of Talaq has come into effect and taking his wife back in marriage is valid as long as she is in `Iddah (woman's prescribed waiting period after divorce or widowhood). There are authentic Hadiths attributed to the Prophet (peace be upon him) that support the issued Fatwa. The husband must make Tawbah (repentance to Allah) for as Your Eminence knows such manner of Talaq is prohibited. However, if the husband was not sure whether Talaq took place or not, and is even in doubt, it does not come into effect and the wife is still under his `Ismah (the bond of marriage). Talaq does not take effect when there is doubt about its occurrence. I hope you will inform all parties involved of the issued Fatwa.

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May Allah reward you and repay your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

## 66- If a man divorces one of his wives, none other will be divorced except the one intended

**Q: A man has two wives and wants to divorce one of them. If he divorces one of them, will the other be divorced as well?**

**A:** If a man divorces one of his wives explicitly, or by intention, none will be divorced except the one he meant and not any other. None of his other wives get divorced by this. If the divorced woman is not mentioned by name, but the husband intended to divorce her in his heart, none shall be divorced except the one whom he intended. The Prophet (peace be upon him) stated: (Actions depend upon intentions, and each person will have but that which he intended.) As for those who claim that if a man has two wives or more and divorces one of them, they all shall be divorced; their claim is void and baseless in Shari`ah (Islamic law). Likewise, people claiming that if a man has more than one wife and divorces one of them, he should authorize someone and not divorce her himself. This and other similar claims have no basis in Islam and must not be acted upon.

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## Chapter on revocable divorce

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### 67- Ruling on one who divorces his wife and takes her back without seeking witnesses

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, may Allah keep him in safety and protect him, Amen!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Your honorable letter dated 12/10/1392 A.H., reached me, may Allah grant you guidance! It stated that a man quarreled with his wife and divorced her one time, then he took her back without anyone witnessing the divorce or his taking her back. There was no one present at the time of divorce and the man feared that if he called someone to witness this, matters may have gotten worse. It was stated also that the husband has resumed marital relations with his wife and she still lives in his house as a wife along with her sons. You ask if the man sinful by what he did, and if so; should he divorce her one time again and return her in the presence of witnesses, make a new contract of marriage, or what do you advise in this case? The matter is quite clear to us.

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**A:** If the case as mentioned, the wife is one time divorced and returning her was valid, which was confirmed with copulation. She is perfectly his wife and there is no need for repeating divorce. However, the Sunnah is that a person should call for witness in case of divorce or taking back the wife provided that it entails no harm from the wife or her family. May Allah help us all to understand and adhere to His Din (religion) of Islam! As-salamu `alaikum warahmatullah wabarakatuh!

## 68- Revocable divorce

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, may Allah grant you success! Amen!**

**As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:**

**I have received your kind letter, may Allah guide you, which states that you sent your wife to her family in Ramadan 1388 A.H., and your intention was to divorce her. She stayed at her family till Rajab 1389 AH. When they asked you to take her back, you divorced her according to the Sunnah on 19/7/1389 A.H. You ask about the permissibility of taking her back in marriage and whether there is a sin on you if you disobey your mother as she desires that you revoke your divorce**



**and take your wife back in marriage, but you do not desire to do so as you do not love her anymore. Your letter was well understood.**

**A:** If the case is as you mentioned, she is considered divorced one time and taking her back in marriage would be best if she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood) to satisfy your mother and your in-laws. Hopefully, Allah will change your feelings toward her after taking her back, as He stated: (and it may be that you dislike a thing which is good for you) As for your saying that you intended to divorce her when you sent her, this is a determination to divorce and not an actual divorce which does not take effect by mere intention. May Allah guide all Muslims to that which pleases Him!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).

# 69- When the `Iddah of a revocably divorced women ends, she is not lawful to her husband except by a new contract

**Fom** `Abdul- `Aziz ibn `Abdullah ibn Baz **to the respected brother, may Allah guide him to all goodness, Amen!**

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**As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:**

**Dear brother, I received your kind letter dated 10/3/1392 A.H., may Allah guide you! I understood what you explained regarding a husband who divorced his wife on 15th of Dhul-Hijjah 1391 A.H., for one time and revoked this divorce on the 7th of Safar 1392 A.H.** The husband came before me, and as you mentioned, and said that he had not divorced her before or after that time. I ordered him to appear before me along with her Waliy (a legally accountable person acting for a woman seeking marriage) to answer some questions about what had happened and whether a divorce had been pronounced before or after that time. If his statement is consistent that he did not divorce her before that time and it is known that he took her back in marriage, she is considered divorced one time and returning to her husband is valid. If her `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired, she is not lawful to him except with a new marriage with its legally recognized conditions. You have to make her come to you and ask her concerning what happened because it is safer, and also to clear the charge. This is also because the Waliy may not provide all the necessary information. However, if they all come to you, this will be more perfect and clear any charges. May Allah bless your efforts!

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I hope you will refer this type of cases to your court in the future because it presents no problem to judges. May Allah guide all Muslims to success! As-salamu `alaikum warahmatullah wabarakatuh!

## 70- Ruling on he who divorces his wife forcibly for a sum of money

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected Shaykh, may Allah grant him success, Amen!

As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

Dear brother, a person named G.N.A came before me and claimed that two persons came to his house on a windy rainy day one month ago and asked him to divorce his wife but he refused. They insisted on this request of making him divorce his wife, so he divorced her one time. Thereupon, they paid him two thousand riyals - as he recalls - but he refused to take them and said: "I do not need them". They left and did not take the money with them. He feared that the rain and the wind may damage the money, so he took it and gave it to another person as a deposit and had him witness that he took his wife back in marriage



that same day. He brought two witnesses to testify on revoking his divorced and taking back his wife in marriage on the same day as he said. Your Eminence ordered him to come before you with his father-in-law and the two persons who witnessed him take her back in marriage to explain what happened in order to give a Fatwa (legal opinion issued by a qualified Muslim scholar) according to Shari`ah (Islamic law). It is well-known to Your Eminence that such divorce is revocable if the case is as mentioned by the husband, because he did not divorce her due to Khul` (divorce initiated by a wife for a consideration) or for money; but he divorced her out of shyness of the two mentioned persons and to fulfill their demand. If the facts are contrary to what the husband has mentioned, judge as you see fit. If you verify the matter, kindly inform me to check my opinion to avoid any mistake. May Allah guide all Muslims to that which pleases Him! May Allah make you and us among those who cooperate for good and piety for He is the Most Generous! As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

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## Chapter on irrevocable Talaq

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### 71- Issue on irrevocable Talaq

**From** `Abdul-`Aziz ibn `Abdullah ibn Baz **to the respected brother A. M. Gh., may Allah grant you success, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your letter dated 5/3/1392 A.H., may Allah guide you! I also read the attached document which describes the manner of Talaq (divorce pronounced by a husband) the husband M. H. K. gave his wife. It is clear that the husband divorced his wife thrice by saying: "You are divorced, divorced, divorced." He then wrote a paper at his uncle's house stating that she was divorced thrice with one pronouncement. When he was asked about the situation, the husband told his neighbor, "My wife is divorced, divorced, divorced."** Accordingly, this Talaq is major irrevocable Talaq (the third and final divorce, after which the man cannot remarry the woman, unless she remarries and that marriage ends lawfully). It cannot be revoked unless the woman marries another man, because he repeated Talaq three times. It would be best to inform her father of this situation. I ask Allah to set right their affairs and

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grant each of them a better spouse. As-salamu `alaykum warahmatullah wabarakatuh!

**N.B.** We have informed the husband that triple Talaq is not permissible and that he must repent to Allah.

## 72- The husband saying to his wife: "You are divorced, then divorced!"

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother S. Z. R., may Allah grant you success, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**The husband S. S. Z. came to me and stated that two months ago he became angry with his wife, so he divorced her in front of witnesses, by saying: "You are divorced, then divorced!" He had not divorced her before or after that. This is what he stated. He took her back in marriage before me in the presence of a group of Muslims on Monday dated 24/5/1393. He asked me to notify you accordingly, because she has no Waliy (a legally accountable person acting for a woman seeking marriage) closer than you. She has a brother whose competence is debatable.**

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If the case is as your son stated, your wife is divorced twice and there is only one pronouncement of Talaq (divorce pronounced by a husband) remaining (before she is irrevocably divorced). According to the statement of the husband, Talaq took place on 25/3/1393; if the wife was still in her `Iddah (woman's prescribed waiting period after divorce or widowhood) at the mentioned date of revoking Talaq, his taking her back in marriage is valid and she is still his wife. However, if the term of `Iddah has expired before the mentioned date, she is not lawful to him unless they remarry with a new marriage contract meeting the Shar`y (Islamic legal) conditions; unless it is proven that he took her back before the mentioned dated. We asked him and he said that he had not taken her back before the mentioned date. You must know that the `Iddah is three Quru' (three menstrual periods). If the wife entered the menstrual period after the Talaq mentioned and had three menstrual cycles before the husband took her back, then she is past the waiting period. This is because Allah (Glorified and Exalted be He) says: ﴾And divorced women shall wait (as regards their marriage) for three menstrual periods﴿ May Allah guide us all to what pleases Him!

As-salamu `alaykum warahmatullah wabarakatuh!

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**73- Ruling on he who divorces his wife thrice in one pronouncement while intending only one**

**From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, his Excellency judge of South Zhahran, may Allah grant us success! Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**O beloved brother, I received your venerable letter numbered (710) and dated 9/7/1388 A.H. May Allah grant you guidance! I read what your Eminence mentioned concerning the manner in which Mr. M. A. divorced his wife, as you stated that he divorced her thrice in one pronouncement intending one time. Also, you maintained that he had not divorced her before and the woman confirmed his manner of divorce and that he had not divorced her before that, as well as that he took her back immediately according to the witnesses.** In light of this, I gave Fatwa to the referred husband that his wife is divorced once and taking her back is valid. There are authentic Hadiths of the Prophet (peace be upon him) that substantiate this

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Fatwa, as it is known to you. I hope that your Eminence will inform all of them of this and urge the husband to repent, as triple divorce in one pronouncement is not permissible as your Eminence knows. May Allah reward you well and bless your efforts! As for what Your Eminence mentioned that people when divorcing triply only intend to divorce thrice as most of them are ignorant and they intend the apparent meaning of the words they utter; as well as that if we open the door for them in this regard, most of them will abuse it not being aware of what they intend out of the ignorance that overcomes their minds, except those whom Allah guided. I understand that you intend well, but as Your Eminence knows that their ignorance and the way of thinking does not prevent from giving them Fatwa (legal opinion issued by a qualified Muslim scholar) in accordance with the Shari`ah (Islamic law) which provide relief for them and a solution to a great problem. In fact, divorce takes place while one is in a fit of rage and after that one regrets it deeply. There is an authentic Hadith reported on the authority of Ibn `Abbas which substantiates what we mentioned previously that triple divorce in one pronouncement is regarded as one time of divorce and this is the explicit meaning of the Hadith. Moreover, a large number of scholars including Ibn `Abbas in an authentic narration from him and Muhammad Ibn Ishaq the compiler of the book entitled, "Al-Sira" and other scholars, are of this opinion. In addition, this opinion was preferred

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by Shaykh Al-Islam Abu Al-`Abbas ibn Taymiyyah and his student and great scholar Ibn Al-Qayyim (may Allah be merciful with them).

We ask Allah to guide us, you and all our brothers to the right in word and deed and to set right the

affairs of Allah Muslims! We ask Him to grant them deep understanding of Islam for He is the Most Generous, Most Bountiful. As-salamu `alaikum warahmatullah wabarakatuh!

**Ruling on divorcing thrice or more in one pronouncement**

Your Eminence Shaykh Abdul Aziz ibn Abdullah ibn Baz, may Allah protect you!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**Q: What is the ruling on he who divorces his wife thrice or seven times in one session? Is it considered to be a triple divorce that is irrevocable or a one divorce that can be revoked? Please, explain this to us, may Allah reward you! This divorce took place during the woman's pregnancy and she is still pregnant till now.**

As-salamu `alaikum warahmatullah wabarakatuh

There is disagreement among the early and contemporary scholars regarding this issue: If a man utters triple or more divorces against his wife with one pronouncement, is she divorced thrice



and hence becomes a major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully), or is it be regarded as one revocable divorce? The soundest opinion in this regard is that this will be regarded as one revocable divorce based on what was authentically narrated in Sahih Muslim on the authority of Ibn `Abbas (may Allah be pleased with them both) who said: ﴾The (pronouncement) of three divorces during the lifetime of Allah's Messenger (peace be upon him) and that of Abu Bakr and for two years of the caliphate of `Umar (may Allah be pleased with him) was deemed as one time of divorce. Then `Umar (may Allah be pleased with him) said: 'People hasten in a matter in which they are required to observe respite. So, it is recommended to impose it upon them.' He imposed it upon them.﴿ It was also narrated in the Musnad (Hadith compilation) of Imam Ahmad with a good chain of narration on the authority of Ibn `Abbas (may Allah be pleased with them both): ﴾That Abu Rukanah divorced his wife thrice and he was sorry for doing so. Yet the Prophet (Peace be upon him) ordered him to take her back in marriage and said that it is just one divorce.﴿ Scholar Ibn Al-Qayyim (may Allah be merciful with him) explained this issue in a simple way, where he deemed this to be the preponderant opinion and substantiated it in his books Al-I`lam, Zadul-Ma`ad, Ighasatul-Lahfan min Maka'idil-Shaytan, and Ighasatul-Lahfan fi Talaqil-Ghadban. Whoever desires to read his opinion can refer to these books or what is can get of them. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions! As-salamu `alaikum warahmatullah wabarakatuh!

**The General Chairman of the Departments of Scholarly Research,**

**Ifta', Da`wah, and Guidance**

**at the Kingdom of Saudi Arabia**

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## 75- Ruling on divorcing the wife by the expression: "Talaq-ul-Battah"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our dear honorable brother, his Eminence Judge of Biljirshy, may Allah grant you success to all goodness, Amen!

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother, I have received your noble letter no. 999 dated 1/8/1392 A.H. May Allah guide you! I read the copy of the official record attached thereto including confession on the part of the wife and her brother that they do not know of any Talaq (divorce pronounced by a husband) issued by the mentioned husband against his mentioned wife, other than the Talaq he acknowledged; i.e. he uttered: "Talaq-ul-Battah (emphasized divorce)." He had not divorced her before or after that. Both she and her brother want that she returns to her husband if Shari`ah (Islamic law) permits that.** Based on this, I gave Fatwa to the husband in question that his wife is divorced once in consequence of the Talaq he uttered. He can take his wife back in marriage as long as she is in the Iddah (woman's prescribed waiting period after divorce or widowhood). If she passed the term of Iddah (woman's prescribed waiting period after divorce or widowhood), then she is lawful for him only through a new marriage contract meeting the Shar`y (Islamic legal) conditions. This is substantiated by what was authentically reported from the Prophet (peace be upon him), as it is known.

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Please inform all concerned parties of this Fatwa. May Allah reward you well and guide your steps! As-salamu `alaykum warahmatullah wabarakatuh!

## 76- Ruling on triple Talaq punctuated with "Then"

**Your Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah preserve you! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**The husband, his wife, and her father came to me. When asked about the reasons, the formula of Talaq (divorce pronounced by a husband), his state and that of his wife at the time of Talaq, the husband said the following:**

**On 25/3/1414 A.H., a dispute occurred between me and my wife, and I hit her. When I left the house, she too left to her sister's because she could not endure being beaten; she also lives far away from her family. Finding neither her nor her children when I returned to my house, I went to her sister's. Her young brother opened the door. Rejecting to respond to my demand to return home claiming I had hurt her and thus could not return, I was led by arrogance and anger and told her: "You are divorced, then divorced, then divorced." However, I did not know the significance of this formula of Talaq.**

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**I took my children from her and returned home till we reconciled. The Talaq occurred while she was in a state of purity during which I had not had sexual intercourse with her. I have neither divorced her before nor recorded this Talaq in the court.**

**Being asked about the correctness of what her husband stated regarding the reasons that led to Talaq, its formula, and the fact that it took place while she was in a state of purity during which he did not have sexual intercourse with her, the wife stated that all this was correct. She added that she did not witness him pronouncing the Talaq, to judge whether he was in a state of intense anger or not, because she heard him from behind the door. Yet his tone and threats indicate that he must have been enraged. She said that her husband has never divorced her before. She expressed her willingness to resume marriage on condition that he hits her no more and treats her well. Her Waliy (a legally accountable person acting for a woman seeking marriage) also approved of this provided that this is permitted by Shari`ah (Islamic law). The wife said that she could not leave her young children. These were the questions I directed to them. As-salamu `alaykum warahmatullah wabarakatuh!**

Wa `alaykum as-salam warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

Based on what the husband has stated in his attached letter and what your Eminence has mentioned in this letter you sent, I gave Fatwa that his mentioned wife

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has become irrevocably divorced from him in consequence of the given Talaq. Thus, it is not lawful

for him to remarry her until she marries another husband willingly and not for Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple) i.e., the new husband must have sexual intercourse with her and then leave her either through death or divorcing her willingly, and then she completes the `Iddah (woman's prescribed waiting period after divorce or widowhood). This is because the first husband made the three pronouncements of Talaq while his wife was in a state of purity during which he had not had sexual intercourse with her. Please inform all concerned parties of the aforementioned Fatwa. May Allah reward you with the best for your efforts!

As-salamu `alaykum warahmatullah wabarakatuh!

**Yours sincerely `Abdul-`Aziz ibn `Abdullah ibn Baz**

## 77- Issue on major irrevocable divorce

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, may Allah grant him all success, Amen!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, I received your letter dated 9 Sha`ban, 1389 A.H. It explained that a misunderstanding had occurred between you and your wife, thereupon, you said to her: "Shut up; otherwise, I will give you the paper."

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"Do you mean Talaq (divorce pronounced by a husband)?" she inquired. "Yes," you replied. She said: "Ten times!" "Ten times," you answered. She said: "A hundred times!" You replied: "A hundred times!" She said: "One thousand times!" You replied: "One thousand times!" Your desire for getting a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard is well-known.

A: If the case is as you mentioned, your Talaq is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and you must repent of this. This woman is not lawful to you till she marries another with the intention of marriage not Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple) and she must have sexual intercourse with the new husband, for each phrase you uttered effects one Talaq and so you have divorced her three times. May Allah protect us from the insinuations of Satan!

As-salamu `alaikum warahmatullah wabarakatuh

## 78- Ruling on divorcing the wife by saying: "She is divorced, she is divorced, she is divorced, Talaq-ul-Battah"

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence Shaykh, Chief Justice of the Supreme Shari`ah Court in Al-Ta'if, may Allah guide you to all goodness, Amen!

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

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**Dear brother, I received your letter no. 1979 dated 8/4/1391 A.H and examined the attached report in which the court judge described the way Talaq (divorce pronounced by a husband) took place. The husband confessed that in a fit of anger he divorced his wife, by saying: "She is divorced, she is divorced, she is divorced." I also examined the attached divorce paper in which the husband confessed that he divorced his wife willingly while he was mentally competent, by saying: "She is divorced, she is divorced, she is divorced, Talaq-ul-Battah (emphasized divorce)."**

Accordingly, the wife is given major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully) and she is not lawful for her first husband until she marries another man with the intention of marriage based on free will, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and it must be consummated, because the ex-husband exhausted all times of Talaq by issuing three successive pronouncements of Talaq, expressed with several words, and asserted this by his saying: "Talaq-ul-Battah." I hope you will inform all parties involved of this Fatwa. May Allah reward you and bless your efforts!

As-salamu `alaykum warahmatullah wabarakatuh

## 79- Ruling on repeating Talaq intending an irrevocable divorce

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence, Assistant Chief Justice of the Courts of Jizan. May Allah grant him success!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**Dear brother, I have received your letter no. 535, dated 9 Ramadan, 1390 A.H., in reply to my letter no. 1410, dated 10 Sha`ban, 1390 A.H. I have reviewed the attached report in which Your Eminence proves the way Talaq (divorce pronounced by a husband) took place. The husband said to his wife, after quarreling with her brother: "You are divorced, you are divorced, you are divorced thrice." As this is what was said by the husband in question, his saying 'thrice' after saying, 'You are divorced, you are divorced, you are divorced' means that he intended the three separate pronouncements of Talaq.** Accordingly, he is not permitted to return to his wife till she marries another man with the intention of marriage not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and she has to have sexual intercourse with the new husband. I hope Your Eminence will inform all parties of this. May Allah reward you with the best! As-salamu `alaikum warahmatullah wabarakatuh!

## 80- Ruling on the husband saying to his wife: "You are no longer under my custody," and repeating this thrice

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Chief of the eastern district courts, may Allah guide you to every good work, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, your letter dated 12/3/1390 A.H. reached me, may Allah guide you! It is regarding the way Mr. A. J. divorced his wife mentioning that he did so inaudibly, in a voice only heard by him, by saying thrice: "My wife is no longer under my custody," and repeated this saying three times, consecutively in the same sitting, with the intention of divorcing her three times. Moreover, he intended by the second and third pronouncements to establish the second and third times of Talaq (divorce pronounced by a husband), but he did not use explicit words of Talaq; rather, he used the mentioned implicit allusions. The letter explained that some of the man's acquaintances asked him about his relation with his wife and he said that she was divorced and all of this was quite clear to us.**



Based on this, my opinion is that the mentioned wife has become irrevocably divorced and is no longer lawful for this man till she marries another through a legal marriage contract, based on free will and not Tahlil marriage (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and her new husband consummates the marriage. This is because the man in question made each of the three pronouncements with the intention of Talaq. I ask Allah to compensate each of them with a better spouse and to reward you well! He is the Most Generous, the All-Bountiful!

As-salamu `alaykum warahmatullah wabarakatuh!

## Ruling on he who expresses Talaq-ul-Battah in three pronouncements

From Abdul Aziz ibnn Abdullah ibn Baz to the honorable brother, may Allah protect him, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother! I received your letter, may Allah guide you, including your statement about divorcing your wife with one pronouncement on 26/4/1392 A.H., and taking her back, then again divorcing her on 15/7/1392 A.H.**

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**After which, you declared that you sent her the document of Talaq (divorce pronounced by a husband) attached herewith. On 19/7/1392 A.H., you confirmed before the judge and the witnesses your declaring of Talaq-ul-Battah (emphasized divorce) in three pronouncements. This was also proven in the attached document, issued from the Supreme Court in Jeddah. You added that your intention was to give Talaq-ul-Battah, and you insisted on this...etc. Included was also your request for Fatwa (legal opinion issued by a qualified scholar).**

**A:** Based on what you have previously mentioned, your wife is divorced from you in a major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). Accordingly, she becomes unlawful to you until she legally marries another man and consummates this marriage. We implore Allah to render what happens the best for you.

As-salamu `alaikum warahmatullah wabarakatuh.

## Ruling on divorcing a wife thrice intending that every time of divorce is an independent one

From Abdul Aziz ibn Abdullah ibn Baz to the honorable brother his Eminence, judge of Grand Court in Al-Ta'if, may Allah guide him to all goodness, Amen!

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**Dear brother! I read the attached paper in which you recorded the description of the triple divorce (three simultaneous pronouncements of divorce) announced by the husband to his wife in a fit of anger by saying: "You are divorced." He repeated it three times following it by saying: "You have become unlawful for me and lawful for others". Also, he intended three independent folds of divorce, as a result of her threatening him to burn herself if he refused to divorce her.**

Based on this, I am of the view that she becomes unlawful to him until she marries another man, as by this, he has divorced her thrice with separate pronouncements. Therefore, kindly notify all parties of this, may Allah reward you well and bless your efforts!

As-salamu `alaikum warahmatullah wabarakatuh!

## 83- Ruling on declaring: "You are divorced, divorced, divorced, with three irrevocable divorce pronouncements"

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother `A. `A.

May Allah protect and support you, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**I received your letter dated 7/9/1392 A.H., in which you stated that your wife spoke ill about you, so in a fit of anger you said to her: "Go to your family's home; you are divorced, you are divorced, you are divorced, with three irrevocable divorce pronouncements. By Allah, you are no longer lawful to me, you are lawful to the Jews rather than to me."**

**A:** According to what you said, your wife is irrevocably divorced; you are not permitted to remarry her except after she marries another man on her own free will not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and then consummates the marriage with her new husband. Thus, you have effected the three pronouncements of Talaq (divorce pronounced by a husband), using several words, and clarified your intention by stating: "Three irrevocable divorce pronouncements." May Allah compensate each of you with a better spouse! May Allah grant everyone a good end! He is the best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

## 84- Ruling on saying: "You are divorced, then divorced, then divorced; you are marriageable for the Christians and Jews"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Shaykh `A. `A., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I read what your Eminence recorded in the attached document regarding Mr. N. S. Q. saying to his wife: "You are divorced, then divorced, then divorced."**

**A:** I opine that his wife has become no longer lawful to him, until she marries another man. This is because he pronounced the three times of Talaq (divorce pronounced by a husband) consecutively, using several words. Also, the husband in question is required to repent to Allah of divorcing in this manner, for triple Talaq is not permissible as is known well to your Eminence. Moreover, this man declared that his wife is not lawful to him and she is lawful to the Christians and Jews and such words should not be said by a Muslim, because of two things; (i) it is not allowable for him to declare his wife as unlawful to him, and (ii) a Muslim woman is fundamentally unmarriageable for Christians and Jews. I hope that you will notify him of this and I ask Allah to compensate each one of them with a better spouse.



May Allah reward you well for your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

## 85- Saying to the wife: "You are divorced, then divorced, then divorced"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence the Judge of Subh in Hamr, may Allah guide you to all goodness, Amen!

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your noble letter no. 384 dated 11/05/1394 A. H. I also read the attached enquiry submitted to Your Eminence by a person referred to as M. S. who stated that he divorced his wife by saying to her: "You are divorced, then divorced, then divorced." The husband asked you to issue a Fatwa (legal opinion issued by a qualified Muslim scholar) on this.** I would thus, like to inform Your Eminence that the wife in question is no longer lawful in marriage to her husband, unless she first marries another man. The marriage has to be based on the free will of the wife and be consummated, not merely for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). This Fatwa is based on the fact that the husband in question made use of the full number of the times of Talaq (divorce pronounced by a husband) in three successive pronouncements, using several words. I thus, hope that you inform the husband and the Waliy (a legally accountable person acting for a woman regarding marriage) of his ex-wife of this. May Allah give each one of the two partners a better spouse in compensation! Verily, Allah is the Best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

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## 86- Issue on irrevocable Talaq

**The husband M. A. visited me and confessed that about a year ago he gave his wife one pronouncement effecting Talaq (divorce pronounced by a husband) then revoked it. Afterwards, he said to his family: "Take the radio and the television out of the house. If they are brought back into this home, my wife will be divorced twice," meaning the two remaining pronouncements of Talaq. He even added, "She will be considered Halal (lawful) to other than me and Haram (prohibited) to me." He also said that Talaq will be in effect if his wife watched the television or listened to the radio even at any other place. The husband then acknowledged that the radio and television were brought back to his home and that his wife watched and listened to them many times outside his home. I asked him about his intention and he answered that it was to prevent his wife from using these devices and to execute Talaq if she did so. The husband asked for a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.**

Based on this information, I issued a Fatwa that the two remaining times of Talaq took effect because the condition that the Talaq was made dependent on took place more than once. Accordingly, the wife in question is irrevocably divorced and is not lawful to her husband unless she marries another man. This is because he made use of the two remaining times of Talaq when the condition that the Talaq was made dependent on took place more than one time. May Allah give each one of the two partners a better spouse as compensation! May Allah set right all our affairs! Written and recorded by a Servant who is in dire need of the forgiveness of his Lord, `Abdul-`Aziz ibn `Abdullah ibn Baz,

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President of the Islamic University in Madinah, may Allah forgive me! May peace and blessings be upon Allah's Servant and Messenger Muhammad, and his family and Companions!

## 87- Ruling on divorcing the wife by saying: "You are divorced, then divorced, then divorced"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother `A. M., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your letter dated 19/01/1393 A. H. in which you explained that you divorced your wife by saying to her: "You are divorced, then divorced." You revoked this Talaq (divorce pronounced by a husband) nine days later, but after a while divorced her thrice in writing, with the following text: "You are divorced and then divorced..." You asked me to issue you a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter.**

If the case is as you mentioned, the Talaq that you gave your wife is tantamount to major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). Your ex-wife is not lawful to you unless she first marries someone other than you. Such marriage is to be based on her free will and be consummated.

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It must not be for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). This Fatwa is based on the fact that you exhausted the three times of Talaq using several words. Allah (Exalted be He) states: ﴾And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband.﴿ According to Ijma` (consensus of scholars), the Talaq referred to in the previous Ayah (Qur'anic verse) is the third and final one. May Allah protect us all against the incitement of Satan and give each one of the two partners a better spouse as compensation! Verily, Allah is the Best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

## 88- Ruling on saying: "You are divorced with three irrevocable pronouncements of divorce"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother M. Z., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your letter dated 20/06/1393 A. H. in which you mentioned that a misunderstanding arose between you and your wife. You became extremely angry and said to her when she asked you to divorce her: "You are divorced with three irrevocable pronouncements of divorce." Your wife replied: "Give me more." You said: "I give you the like." Your wife replied: "Give me more." You said: "I give you the like." Your wife replied: "Give me more." You said: "I give you the like." You are asking for a Fatwa on this.**

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She is no longer lawful to you and you cannot remarry your ex-wife unless she first marries a husband other than you. This is because you made use of the full number of the times of Talaq (divorce pronounced by a husband), and thus you gave your wife major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). You must make Tawbah (repentance to Allah), as it is not permissible for a husband to divorce his wife with three pronouncements of Talaq or more in one session. May Allah protect us all against the incitements of Satan and give the two partners a suitable compensation! As-salamu `alaykum warahmatullah wabarakatuh!

## 89- Issue on irrevocable Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence Shaykh, the President of Courts of Jizan Zone, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your noble letter no. 1253 dated 23/06/1392 A. H. in which you wrote: "Attached is the enquiry submitted by the husband `A. M. explaining that a dispute took place between him and his wife so he gave her Talaq (divorce pronounced by a husband) as indicated in the attached document. This Talaq occurred while the concerned husband became agitated as he suffers from neurotic fits as he mentioned in his enquiry.**

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**The husband added that he intended by repeating: 'You are divorced' for the second and third time only to assert the first and that he did not intend irrevocable Talaq. The husband in question has not divorced his wife before or after this time." I thus hope that Your Eminence read the Talaq document and issue a Fatwa on this matter. I read the attached Talaq document which states: "I `A. M., whose signature is shown below, acknowledge, while being of sound mind and in a state of tranquility that my wife L. H. is divorced, divorced, divorced; i.e. I give her three irrevocable divorces. Witnesses are to bear testimony to this and Allah is the Best Witness."**

Based on these facts, I inform you that the husband in question is not allowed to remarry his ex-wife unless she first marries a man other than him. This is because he confirmed his statement: "You are divorced, divorced, divorced," by saying: "three irrevocable divorces" which signifies that he intended to divorce his wife thrice and not just to emphasize the first Talaq by the second and third pronouncements. I thus hope that you will inform him and the Waliy (a legally accountable person acting for a woman regarding marriage) of his ex-wife of this Fatwa. May Allah reward you, bless your efforts, and compensate each of the two with a better spouse!

As-salamu `alaykum warahmatullah wabarakatuh!

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**Issue on major irrevocable Talaq**

**From** `Abdul-`Aziz ibn `Abdullah ibn Baz **to the respected brother T. A., may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your letter dated 28/5/1393 A.H. It explains that you became extremely ill, until your body became weak. One day you became very angry at your wife and divorced her by saying: "You are divorced, you are divorced, you are divorced." You repeated this several times and prohibited her to you as your daughter. You said all this while being of sound mind and having not lost your senses. You are asking for a Fatwa on this.**

Based on what is mentioned above, I opine that she is not lawful to you any more and you cannot remarry her unless she first marries a husband other than you. We ask Allah to make this reality for the good of the two partners, and that each one of you be compensated with a better spouse and to make our final return to Him noble; for He is the Most Generous, the All-Bountiful. As-salamu `alaykum warahmatullah wabarakatuh!

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**Ruling on uttering three pronouncements of Talaq without clarifying the intention**

**From** `Abdul-`Aziz ibn `Abdullah ibn Baz **to the respected brother, His Eminence Shaykh, the Judge of South Zhahran, may Allah guide you to all goodness, Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your kind letter no. 996 dated 13/08/1393 A.H. in reply to my letter no. 1202 dated 05/06/1396 A.H. You explained in your letter that the husband M. `A. refrained from clarifying his intention of saying to his wife: "You are divorced, divorced, divorced."** Based on this, the concerned husband is not allowed to remarry his ex-wife unless she first marries a man other than him, as I explained in my letter referred to above. I thus hope that you inform all the parties involved of this Fatwa. May Allah reward you for your efforts!

As-salamu `alaikum warahmatullah wabarakatuh!

## 92- Issue on irrevocable Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence Shaykh, the Judge of the Upper Court in Abha, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your noble letter no. 859 dated 27/01/1394 A.H. and read the attached enquiry which was submitted to Your Eminence by the husband S. N. The husband in question explained that a small quarrel arose between him and his wife, but it worsened until his wife asked him insistently to divorce her. As the husband was extremely angry, he divorced her with one pronouncement. The wife insisted that he should divorce her thrice. The husband thus divorced her a second time. Yet, the wife insisted on her request, so he gave her the third and final Talaq (divorce pronounced by a husband). My answer is that the husband in question is not allowed to remarry his ex-wife unless she first marries a husband other than him. This is because the husband made use of the full number of the times of Talaq by making three successive pronouncements effecting Talaq to fulfill the request of his wife. I ask Allah to make this reality for the good of the two partners and to give each one of them a better spouse in compensation. Indeed, Allah is the Best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

## 93- Ruling on emphasized triple Talaq

**The father of the wife `A. A. along with the husband H. `A. came to me. The concerned husband confessed that he gave his wife emphasized triple Talaq (divorce pronounced by a husband) for accidental reasons. The husband mentioned that he wrote the triple Talaq to have occurred with one pronouncement without uttering it. He added that this was not witnessed by anyone and that he had not divorced his wife before the time mentioned. I asked the wife's father about what was said by the husband and he answered that he did not know anything about the mentioned Talaq except through what his son-in-law said. The wife's father added that he does not know of any other Talaq that his son-in-law gave to his daughter. However, all the concerned parties agreed that the wife in question delivered her baby after the Talaq had been given. The husband asked me to give him a Fatwa (legal opinion issued by a qualified Muslim scholar) on this.** I thus gave the concerned parties a Fatwa that the Talaq in question is only counted as one pronouncement effecting Talaq. However, the husband may only remarry his ex-wife through a new marriage contract, as her `Iddah (woman's prescribed waiting period after divorce or widowhood) expired by the delivery of the baby, which is supported by a Sahih (authentic) Hadith to that effect. Accordingly, the father of the concerned wife concluded the marriage contract of his daughter to the husband in question for a Mahr (mandatory gift to a bride from her groom) of one hundred Riyals. Both Ijab (a pillar of the marriage contract: a willing offer of marriage expressed by the bride's guardian) and Qubul (a pillar of the marriage contract: a willing acceptance expressed by the groom) were conducted in the Shar`y (Islamic legal) manner.



This was in the presence of a group of Muslims including Shaykh S. M. `A. and Shaykh H. M. A. This was written and registered by a Servant who is in dire need of the forgiveness of his Lord; `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah pardon him!

## 94- Issue on major irrevocable Talaq

His Eminence Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance, may Allah protect you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Answering the question of Your Eminence recorded in the attached letter about the reasons that made the divorcing husband E. M. A. extremely angry, I inform you that I asked the concerned husband about the reasons of the Talaq (divorce pronounced by a husband) and he answered: "I took my wife to attend a wedding at the house of her sister and said to her: 'You have to be back home before sunset.' But she did not come back until 11 p.m. I thus went to her and told her: 'Do not go out until your brother comes and takes you to your father's house.' Accordingly, I went to her brother to tell him that he should take my wife to her father's house, but during this my wife and her sister went to my house. About five minutes after I had reached my house, my wife knocked the door. I first prevented her from entering, then allowed her to get some clothes and milk for the children. My wife then went to her father's house and I was extremely angry with her." I asked the wife's brother about what was said by the husband and he affirmed it.

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Moreover, I called the wife in question and asked her what made her husband so angry with her and she affirmed what was said by the husband; but mentioned that she did not hear him telling her to come back home before sunset, that she did not have the house key, and that she went back to her husband's house along with her sister and her male nephew. She stated that her husband was extremely angry.

I asked the husband whether his anger continued until he gave the Talaq next day and he answered: "Yes, I was extremely angry." I asked the wife's brother about the degree of the husband's anger and he answered: "He was angry, but I cannot define the degree of his anger."

Eminent Chairman, this was all that the husband told us after we questioned him, his brother-in-law, and his wife (via the telephone). It can be summarized as follows:

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First: The wife came back home late. Second: The wife left her sister's house though her husband asked her not to do. Third: The wife went out along with her sister without a Mahram (spouse or unmarriageable relative), as mentioned by the husband, and late at night. I hope that Your Eminence will read these details and issue a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter.

Wa `alaykum as-salam warahmatullah wabarakatuh (May Allah's Peace, Mercy, and

**Blessings be upon you too!)**

Based on the facts that Your Eminence recorded, my Fatwa to the concerned husband is that he is forbidden to remarry his ex-wife unless she first marries a husband other than him; then such marriage ends by Talaq or by the death of such husband and the `Iddah (woman's prescribed waiting period after divorce or widowhood) expires. The marriage referred to above has to be based on the free will of the concerned wife, has to be consummated, and must not to be for Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple).

## 95- Issue on irrevocable Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our honorable brother `A. A. Z., may Allah guide you to every good path, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

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**I received your undated letter, may Allah guide you! It states that you divorced your wife in writing as follows:**

**I `A. A. acknowledge that I divorced my wife with two irrevocable pronouncements of Talaq (divorce pronounced by a husband). Thus, she is divorced, she is divorced. There is neither might nor power except with Allah!**

**This took place in the month of Rajab 1385 A.H. during her pregnancy. The next day following the Talaq you took her back in marriage, to the end of what you mentioned. You are asking for a Fatwa in this regard.**

**A:** I have read the enclosed Fatwa issued by Shayk `A. Z. and that issued by the Mufty of Egypt as well as the judgment issued by the Chairman of the Supreme Court in Makkah. As for my view, the judgment issued by the Shaykh is correct. It concurs with what was reported by His Eminence, the Mufty of Egypt, from the Madh-hab (School of Jurisprudence) of Abu Hanifah. It also conforms with what is stated by scholars on this issue, because you first divorced your wife twice and then took her back, and then pronounced triple Talaq. You, therefore, used the last time of Talaq remaining for you, and hence your wife is irrevocably divorced. I ask Allah (Glorified and Exalted be He) to bring good from what happened and to recompense each of you with a better spouse. He is the Most Generous, the All-Bountiful. This Fatwa is in conformity with the Saying of Allah (Glorified and Exalted be He) in His Glorious Book in Surah Al-Baqarah: ﴿And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband.﴾

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This refers to the third pronouncement of Talaq. Allah (Exalted be He) informed us of the two preceding pronouncements of Talaq in His statement (Exalted be He): ﴿The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.﴾ As-salamu `alaykum warahmatullah wabarakatuh!

## 96- Ruling on a husband denying

## to have had sexual intercourse with his wife after her divorce

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our honorable brother, His Eminence the Chairman of Guarantee and Marriage Court in Riyadh, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I received your noble letter no. 1284 dated 12/9/1395 A.H., may Allah guide you! I understood what it explained regarding the woman who came before Your Eminence stating that she was divorced for the third time by her husband and she then married another who consummated marriage with her. When the husband in question came before you**

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**for questioning, he acknowledged the validity of the marriage contract and that she moved with him to his house and remained for two months in a room beside him. However, he denied having had sexual intercourse with her, claiming that she did not give him the opportunity to do so, though he has the potency to do so. You want to know our opinion in this regard.**

**A:** The author of both Al-Mughny and Al-Sharh Al-Kabir mentioned in the eighth volume of the two books page 501 that the testimony delivered by the woman in this regard is to be accepted as true and that it is lawful for her first husband to remarry her unless he contradicts her testimony. They stated that this is the Madh-hab (School of Jurisprudence) of Al-Shafi`y (may Allah be merciful with him). They did not report that there is a contradictory opinion held by any other. The most likely is that she is right and he is to be suspected regarding the denial of having had sexual intercourse with her and claiming that she did not treat him well, according to his statement. He is to be accused of intending to prevent her from returning to her first husband. Most likely he has had sexual intercourse with her, because in most cases when a potent husband is alone with his wife they will practice sexual intercourse. The denial on his part contradicts what is preponderant. Such a thing could be known only from them. Since she acknowledged this and there is no evidence that can refute this, then she is to be deemed truthful, unless her first husband contradicts her. Allah (Glorified and Exalted be He) knows best. I ask Allah to grant us all greater understanding of Islam and to make us steadfast in adhering to it. He is the best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

## Book on Zhihar





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### Ruling on the husband who declares his wife unlawful to him

### and swears an oath that she will not be a wife to him

Respected Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz:

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**I would like to inform Your Eminence that I am a poor man. All that I have is my salary from my job where I work as a soldier for the Border Force. It happened that I declared my wife unlawful to me as my mother (I even swore that she would not be a wife to me). I regretted what I did, because she is pregnant. Please give me your legal opinion in this regard, so that I may find a way to take back my wife in marriage.**

**I hope Your Excellency will send me a letter, may Allah reward you with the best!**

**A:** Wa `alaykum as-salam warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!) To proceed:

If the case is as you mentioned above, you must repent to Allah (Exalted be He), because declaring a wife no longer lawfully married is not permitted. Allah (Exalted be He) described it as an objectionable statement and falsehood. This requires that you offer Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative); i.e. freeing a slave, and if you cannot find one, then you should fast two consecutive months, and if you are unable to do so,



then you must feed sixty poor people, each half a Sa` (1 Sa` = 2.172 kg) of the staple food of your country; such as dates, rice, or other items before touching her. Regarding your oath that she would not be a wife to you, this requires you to offer Kaffarah for breaking an oath; i.e. to feed ten poor people, each half a Sa` of the foodstuff of the country. If you give them lunch or dinner, or clothe them, this will suffice. May Allah grant us, you, and all Muslims safety from the incitement of Satan and from the evils of ourselves and our misdeeds. Indeed, He is All-Hearing, Ever Near. As-salamu `alaykum warahmatullah wabarakatuh!

`Abdul-`Aziz ibn `Abdullah ibn Baz

**98- Ruling on he who says to his wife: "You are unlawful to me."**

**A husband and a wife came to me along with a third person who introduces them. The husband said that he divorced his wife one time in Muharram, 1393 A.H. Then, when people advised him to take her back he replied: "She is no longer lawful to me." He also stated that he had not divorced her before this time or after it and all of this occurred after consummating marriage. I asked the wife and she said that this is the truth and both of them admitted that he took her back one night after the referred time of divorce.**

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**They asked me for Fatwa in this concern** and I told them that the wife is one time divorced by that pronouncement and taking her back is valid. Also, there is a Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) due on him. He said that he is unable to afford manumitting a bondsman or observing Sawm (Fast). Therefore I told him that he is required, before having sexual intercourse with his wife, to feed sixty poor persons each half a Sa` (1 Sa` = 2.172 kg) from the stable food of his people such as dates, etc. In addition, I ordered him to repent to Allah from what he did as deeming a wife, who is already lawful, as unlawful is not permissible. May Allah set right all our affairs!

**Stated by one in need of Allah's forgiveness;** `Abdul-`Aziz ibn `Abdullah ibn Baz, **President of the Islamic University in Al-Madinah Al-Munawwarah. May Allah forgive him! May Allah's peace and blessings be upon His Servant and Messenger, our Prophet Muhammad and upon his family and Companions!**

## 99- Ruling on saying: "You are unlawful to me even if there were no other women remaining besides you "

This letter is from `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence the judge of Rafha', may Allah guide him, Amen!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

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**Dear brother, I received your letter no. 45 dated 26/4/1390 A.H., may Allah guide you! I understood what you have mentioned concerning the manner wherein the husband divorced his wife: A dispute occurred between the husband, his wife, and her brother. He became so angry that he said to her: "You are free." The situation became so intense that he said to her: "You are triple divorced". He added "You are unlawful to me even if there were no other women remaining besides you". Soon he felt regret and took her back in marriage at once. Both the wife and her brother confirmed what the husband stated. This happened several years ago. There was no divorce other than what he stated.**

Accordingly, I issued a Fatwa (legal opinion issued by a qualified Muslim scholar) that this constitutes two divorces: once by his saying: "You are free," and the other by saying: "You are triple divorced". His revoking her to marriage is legal. There are authentic narrations from the Prophet (peace be upon him) indicating that the last utterance on the part of the husband is one divorce as it is well-known. As for his saying: "You are unlawful to me even if there is no woman other than you," he must offer Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) whose arrangement is well-known to your Eminence. He should not approach her before offering this Kaffarah. I hope that your Eminence will notify everyone of the mentioned Fatwa and urge the husband to repent of his last divorce and understand that it is unlawful because all these actions are abominable, as it is well

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known to Your Eminence. May Allah reward you well for your efforts to benefit everyone! As-salamu `alaikum warahmatullah wabarakatuh!

## 100- Ruling on saying to his wife: "You are unlawful to me, you are divorced, you are divorced, and you are divorced."

From Abdul Aziz ibn Abdullah ibn Baz to the honorable brother, his eminence great shaykh, may Allah guide him to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

**Dear brother, I received your letter dated 17/7/1390 A.H., including your reply to my previous letter numbered (1224) dated 9/7/1390 A.H., may Allah guide you! Based on your report describing the Talaq (divorce pronounced by a husband) which took place verbally by pronouncing the word of Talaq thrice in one outburst of anger and saying that she is unlawful to him, without having divorced her before; and after listening to the statements of the man, his wife, their twenty years old son, as well as her brother who was her Waly (a legally accountable person acting for a woman seeking marriage) before her son became of age; including the husband's admission as mentioned in my attached letter numbered**

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**(1224) dated 9/7/1390 A.H., that he did not intend to divorce her thrice and also that he has not previously divorced her;**

I have therefore, issued a Fatwa (legal opinion issued by a qualified legal scholar) declaring that the divorce pronounced by the husband to his wife is considered a one divorce, and the two words of divorce pronounced consecutively afterwards are considered an emphasis to the first one. Accordingly, he has the right to take her back as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). But if it has expired, his wife will not be lawful for him except with a new marriage contract according to its legally required conditions. Furthermore, he has to offer a Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) for declaring her unlawful to him according to the well-known order of offering this Kaffarah. He must not approach her unless he fulfills this Kaffarah.

Kindly, convey this ruling to everyone involved. May Allah reward you well on behalf of all the people and bless your efforts!

As-salamu `alaikum warahmatullah wabarakatuh.

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## Chapter on `Iddah

(Part No. 22; Page No. 170)

(Part No. 22; Page No. 171)

## Chapter on `Iddah (woman's prescribed waiting period after divorce or widowhood) of a divorcee and Mukhtali`ah

(Part No. 22; Page No. 172)

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### Ruling on a women who is not intimate with her husband

### for a considerable period then is divorced from her husband; is she to observe `Iddah after divorce

**Q: If a woman is divorced after a year or two of Nushuz (the state when one spouse violates their marital duties), or less and the period of ensuring that the womb is clear of babies expires before divorce; should she observe `Iddah, or it is permissible for her to marry and her `Iddah is overlooked? It is worth mentioning that her husband divorced her in return of a sum of money and does not desire to take her back in marriage.**

**A:** When a woman is divorced, she has to observe `Iddah after the divorce, even if her husband has been absent for a long time. Allah (Glorified and Exalted be He) states: ﴾And divorced women shall wait (as regards their marriage) for three menstrual periods﴿ Moreover, the Prophet (peace be upon him) commanded the wife of Thabit ibn Qays when she asked for Khul` (divorce initiated by a wife for a consideration) to observe `Iddah for one period after Khul`. The soundest opinion is that it is enough for woman who asks for Khul` to wait until her next period after divorce according to the Hadith mentioned above. This Hadith is an exception to the ruling mentioned in the Ayah (Qur'anic verse). If the woman who asks for Khul` observes `Iddah for three periods, it will be more thorough and safer in order to avoid disagreement among scholars who hold the view that she must wait for three menses in keeping with the mentioned Ayah.

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## A woman whose husband was absent for twenty years then divorced her

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother Shaykh A.S.F, the assistant judge in Zhifar court, may Allah guide him to all goodness! Amen!

As-salamu `Alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

Dear brother, I received your kind letters dated 28/2/1392 A.H., and 4/3/1932 and have reviewed the attached question which reads as follows:

**A man left his wife and traveled for twenty years. After that long period, he sent her a paper of divorce. The woman wants to marry, has she to observe `Iddah though her husband was absent for twenty years and did not have sex with her. Is the `Iddah intended to ensure that the womb is clear or for other reasons?**

**A:** If the case is as you have explained, there is no doubt that she must observe `Iddah. `Iddah is not counted except after divorce takes place, even if the husband remains away from his wife for a long period of time. Allah (Glorified be He) states: (And divorced women shall wait (as regards their marriage) for three menstrual periods)

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The wisdom behind this is as Ibn Al-Qayyim (may Allah be merciful with him) has mentioned in the book "I`lam Al-Muwaqi`in" in an invaluable research regarding this topic. He mentioned that the wisdom is not only to ensure that the womb is clear, but for other reasons; therefore, `Iddah was prescribed also for women whose husbands die before consummating marriage with them, even if she is too young to become pregnant or women in menopause. Thus, we know that Allah (He may be Glorified) has many wise reasons regarding `Iddah other than checking for a clear womb. However, if the woman in question paid him money to divorce, she in this case is considered Mukhtala`ah. It was authentically reported from the Prophet (peace be upon him) what indicates that it is enough for the Mukhtala`ah to wait for one period of menstruation. This was also the Fatwa (legal opinion issued by a qualified Muslim scholar) issued by `Uthman ibn `Affan (may Allah be pleased with him) and a group of the Salaf (Predecessors) and Khalaf (Successors). Shaykh-ul-Islam Ibn Taymiyah and his student Ibn Al-Qayyim chose that viewpoint which is the correct view - In sha' Allah; especially when fearing that she may miss a good husband if she waits for three periods, or three months in the case of women in menopause and the like. I ask Allah (Glorified and Exalted be He) to guide you and us as well as all Muslim brothers to understand His religion and remain firm on it; for He is the Most Generous, Most Bountiful. As-salamu `Alaikum warahmatullah wabarakatuh!

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## The `Iddah of the woman who asks for Khul`

**Q: A husband traveled leaving his wife pregnant and she gave birth while he was abroad. He became ill during his travel and his wife did not receive any expenses from him. After some time, she asked for divorce. He divorced her while still abroad and without having sex with her after giving birth. Has she to observe `Iddah or is it overlooked because of not having sexual intercourse with her husband after giving birth?** Please advise? May Allah reward you well!

**A:** There is `Iddah for divorced women even if they remain apart from their husbands for a long period of time without having sex with them during pregnancy or after giving birth. Allah (Glorified and Exalted be He) states: ﴾And divorced women shall wait (as regards their marriage) for three menstrual periods﴿ This includes all divorced women whose husbands consummated marriage with them. So, every woman whose husband consummated marriage with her then was divorced should observe `Iddah, even if he divorced her after giving birth or did not have sex with her. She must observe `Iddah because of the general meaning of the Ayah (Qur'anic verse) and other Ayahs to the same effect.

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However, scholars have differed whether the woman who has Khul` (divorce initiated by a wife for a consideration) must wait three periods or one period only. The woman you asking about will have the same ruling as the one who has Khul' if she gives her husband money to divorce her. The soundest opinion is that one menstrual cycle is enough. When Al-Rubai` bint Mu`awwidh asked her husband for divorce, the Prophet (peace be upon him) ordered her to observe one menstrual cycle and the same was the Hadith of Thabit ibn Qays.

Thus, if the Makhlu`ah (the wife who initiates divorce for a consideration) whom her husband divorces in exchange for money observes `Iddah for three menstrual cycles, it will be better and safer in order to reconcile the two opinions of scholars. And if she observes `Iddah for one menstrual cycle, it will be sufficient according to the more correct of the two opinions of scholars based on what was reported in the Hadith presented. Allah is the One Who grants success.

## 104- It is not permissible for a man who divorces his fourth wife to marry another until her `Iddah is over

From `Abdul-`Aziz ibn `Abdullah ibn Baz to respected brother, A. `A. B. may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

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I received your letter dated 27/4/1391 A.H. It includes the following question:

**Q: What is the ruling on a man who is married to four wives and divorces one of them for the first time. During her `Iddah (woman's prescribed waiting period after divorce or widowhood), the husband wants to marry another woman; is it permissible for him to marry before the end of the `Iddah?**

**A:** It is not permissible for the husband to marry another woman before the end of `Iddah of the fourth wife, if the Talaq (divorce pronounced by a husband) is revocable. This is according to Ijma` (consensus opinion) of Muslim scholars, because the woman who is divorced revocably takes the same ruling of a wife; however, if the Talaq is irrevocable, there is disagreement between the scholars on the permissibility of marrying the fifth and it is safer not to marry until the end of the `Iddah.

I ask Allah to guide all Muslims to understand their religion and remain firm on it; for He is the Best to be asked.

As-salamu `Alaykum warahmatullah wabarakatuh!

105-

## Shortest duration for pregnancy

**Q: I was absent for one year and my wife did not know where I was. I came back and stayed with her for eight months and twenty five days. She gave birth to a boy during that period which I lived with her, so I began to doubt my wife because of the five missing days. Please advise.**

**A:** It is not unusual for a woman to give birth in less than nine months. The shortest duration of pregnancy is six months as Allah (Exalted be He) states: ﴾and the bearing of him, and the weaning of him is thirty months﴿ Allah (Glorified and Exalted be He) states: ﴾and his weaning is in two years﴿ This indicates that the least duration for pregnancy is six months. Thus, if a woman delivers in the seventh month or more, there is no reason for doubt. May Allah grant us success!

## 106- `Iddah of a pregnant woman is her delivery

**Q: Allah (Exalted be He) says:** (And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden) **Is this Ayah (Qur'anic verse) restricted to widows? If the divorced woman gives birth to her child, is her `Iddah (woman's prescribed waiting period after divorce or widowhood) over or not? Also, I want to ask about a woman whose husband dies while she is pregnant; is she entitled to maintenance till she delivers, or does she only receive her share of inheritance?**

**A:** This Ayah is general as it addresses widows, women divorced by Talaq (divorce pronounced by a husband), women divorced by Khul` (divorce at the request of the wife in return for compensation to the husband) or by a judge on the grounds of Shar`y (Islamic legal) justification. Accordingly, if anyone of them is pregnant, her `Iddah ends with giving birth to her child based on the Ayah mentioned above, which is Allah's Statement: (And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden) Also, it recorded in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) (That Sabi`ah Al-Aslamiyyah (may Allah be pleased with her) delivered her child some nights after her husband's death, she asked the Prophet (peace be upon him) for a ruling on that. The Prophet (peace be upon him) informed her that her `Iddah was over by giving birth to her baby.



The Prophet (peace be upon him) permitted her to marry whenever she willed.) This view is adopted by all scholars except some of the Salaf (righteous predecessors) who had an irregular view that the widow observes the longer of the two periods and this saying should not be relied upon, for it contradicts the honorable Ayah and Hadith.

As for the Nafaqah (obligatory financial support) of the pregnant widow, she is responsible for her own maintenance and it is not to be taken from the estate of the deceased, according to the most correct opinion of scholars.

May Allah help all to understand His Religion and adhere to it! As-salamu `alaykum warahmatullah wabarakatuh!

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## Rules to be abided by widows observing Hidad

Firstly, a widow in a state of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) must remain in the house of her deceased husband. She must not go out except for urgency or necessity, such as visiting a doctor or shopping for her needs like food and the like; if there is no one else to do that on her behalf.

Secondly, she should avoid wearing ornate clothing.

Thirdly, she should avoid all kinds of perfumes. However, it is permissible for her to apply incense when she purifies herself of menstruation.

Fourthly, she should avoid wearing gold, silver, diamonds, etc.; regardless of whether it is bracelets, chains, or rings.

Fiftly, she should avoid wearing kohl (antimony powder eyeliner); for the Messenger (peace be upon him) forbade women in a state of Hidad from doing so.

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It is permissible for her to bathe whenever she wishes, using soap, Sidr (lote tree/ lotus jujube) and water. She may talk to anyone, sit with any of her Mahrams (unmarriageable relatives), and prepare coffee and food for them. It is permissible for her to do housework in the morning or at night such as cooking, sewing, sweeping the floor, washing clothes, milking livestock, etc, whether inside her house, its garden or over its roof. It is permissible for her to walk in the moonlight and to take off her Khimar (veil covering to the waist), if she is not in the presence of non-Mahram (not a spouse or an unmarriageable relative).

May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

General Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance

`Abdul-`Aziz ibn `Abdullah ibn Baz

108- The prescribed procedure for a widow during her `Iddah

**Q: What is the prescribed procedure for a widow during her `Iddah (woman's prescribed waiting period after divorce or widowhood)?**

**A:** This woman should wait four months and ten days unless she is pregnant. Allah (Exalted be He) states: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ If she is pregnant, her `Iddah comes to an end by giving birth to her child. Allah (glory be to Him) states: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ During this period, she is not to dress attractively, or apply kohl or perfume, except when she is purified from her menstruation as she is allowed in this case to perfume herself. Also, she should avoid wearing ornaments of gold, silver or jewelry and applying henna on the hands and hair; however, she is allowed to use leaves of Sidr (lote tree/ lotus jujube) as a hair wash, according to what was stated by the Prophet (peace be upon him).

There is no harm in her using shampoo, soap, and the like, for they are not among the prohibited items in this regard. May Allah grant us success!

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109- A question about the obligations of a widow

**Q: A sister inquires about the obligations of a widow.**

**A:** The Hadiths clarify the prohibitions that should be observed by a widow during Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband). She is required to do five things:

**First,** she should remain in the house where she was living when her husband died until the end of her `Iddah (woman's prescribed waiting period after divorce or widowhood), which lasts for four months and ten days, unless she is pregnant. In this case, her `Iddah comes to an end when she gives birth to her child, according to Allah's Statement (Glorified and Exalted be He): ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ She should not leave this house except in case of necessity, such as going to the hospital if she is ill, buying food from the market if there is no one to do this on her behalf, if the house is demolished, or if there is no one to keep her company and she is afraid to stay alone. There is no harm in going out in these cases of necessity.

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**Second,** she should not wear beautiful clothes, whether they are yellow, green or other bright colors. She is only to wear plain clothes, whether they are black, green, or any other color. What matters is that the clothes are not attractive, according to the orders of the Prophet (peace be upon him).

**Third,** she should avoid wearing jewelry such as gold, silver, diamonds, pearls and so on, whether in the form of necklaces, bracelets, rings, etc., until the end of the `Iddah.

**Fourth,** she should avoid wearing fragrances, whether incense or any other kind of scents, except at the end of her menstrual period; then there is no harm in using some incense.

**Fifth,** she should avoid kohl (antimony powder eyeliner) and other cosmetics or beautifiers that call attention to herself. However, there is no harm in using soap and water to wash herself.

These five things should be observed by a widow.

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However, the superstitions of some laypeople, such as a widow being not allowed to speak to anyone, talk on the telephone, wash only once a week, walk barefoot at home, go out in the moonlight, and so on are all baseless. She may walk barefoot or use footwear at home; she may cook for herself and her guests; she may walk in the moonlight; whether on the roof or in the garden of her house; she may bathe whenever she wants; she may talk to whomever she wishes, provided that the talk involves nothing suspicious; she may shake hands with women and Mahrams (unmarriageable relatives), but not anyone else; she may remove her Khimar (veil covering to the

waist) if there is no one present who is non-Mahram (not a spouse or an unmarriageable relative). However, she may not use henna (a plant that produces a reddish-orange dye), saffron, perfume on clothes or aroma in coffee, because saffron is a kind of perfume. It is also impermissible for her to entertain marriage proposals, but there is nothing wrong in indirect insinuations of engagement. As for explicit engagement proposals, they are not allowed. May Allah grant us success!

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## 110- Ruling on a widow who wants to travel during her `Iddah to avoid being alone

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable sister M. M. S. `A, may Allah guide you to do what pleases Him, Amen.**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your letter, may Allah guide you and make us of those who fear Him! It included your inquiry about a woman whose husband died in the Gulf area, and that since you have intended to travel to Al-Ta'if, you are asking about the permissibility of taking her with you before she completes her `Iddah (woman's prescribed waiting period after divorce or widowhood); and whether or not it is permissible for her to watch TV and listen to the radio. Included also is your request for information about `Iddah rules for a widow.**

**A:** If the woman in question was residing with you at the time of her husband's death, she should stay at your home until the `Iddah expires. However, it is permissible for her to travel with you to Al-Ta'if, if

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none will be available to stay with her until she completes the `Iddah. Watching and listening to permissible TV and radio programs is allowed, such as Qur'an, Islamic TV shows and useful news just like other women, but listening to songs and music is not; neither for her nor anyone else. Rather, it is one of Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect) acts that adversely affect the heart, morals, and weakens Iman (faith/belief). Such acts incur the Wrath of our Lord (Glorified be He) and please Satan. Therefore, if it is possible for her or others to avoid watching TV, this is safer; for even watching good things on TV may lead to watching bad things as well, may Allah guard us against their evil, and guide all rulers to do what pleases Him and set aright the affairs of all Muslims.

Regarding the things that must be avoided by a widow in `Iddah:

**First:** Wearing perfume on her body or clothes.

**Second:** Wearing attractive clothing; rather, she should dress in black, green, blue or any serious color.

**Third:** Wearing gold or silver ornaments, and other jewelry such as diamonds, pearls, etc.

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**Fourth:** Dying with Henna.

**Fifth:** Wearing kohl (antimony powder eyeliner). The Messenger of Allah (peace be upon him) forbade widows to do all this during their `Iddah.

As for using Sidr (lote tree/ lotus jujube) or soap, this is acceptable. Taking a bath for refreshment and cleanliness is also permissible. The same applies to sleeping on the roof, in the courtyard and the like; there is nothing wrong with this. Furthermore, if a woman wants to go out in the morning for a need and none is available to fulfill it for her; there is no harm in her going out. So is her speaking respectably with men out of necessity like other women, as she was used to before her husband's death. Regarding beliefs held by some laypeople that the widow should not speak to men during her `Iddah; this has no basis in Shari`ah (Islamic law). In conclusion, if you have any further questions, do not hesitate to ask and we will be glad to clarify the facts for you. We implore Allah to grant you and us success in acquiring useful knowledge and performing righteous deeds. We also ask that He set aright our hearts and actions; He is Ever-Generous and Bountiful.

As-salamu `alaykum warahmatullah wabarakatuh!

## 111- A widow must remain at her husband's house during her `Iddah

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to fellow sister, mother of A. N. S., may Allah guide her to do good, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:**

**I received your letter dated the first of Muharram 1414 A.H. may Allah guide you! I reviewed the questions, and here are the answers:**

**First: Does a wife have the right to remain at her deceased husband's house...etc?**

**A:** A wife must observe the `Iddah (woman's prescribed waiting period after divorce or widowhood) at the house where she was residing when her husband died, unless there is a Shar`y (Islamically lawful) excuse which prohibits this, according to the Prophet's statement (peace be upon him) to the woman whose husband died: (Stay in your house until the term (i.e., `Iddah) comes to an end.)



However, as previously mentioned, if there is a Shar`y excuse that prevents her from observing her `Iddah at this house, it is permissible for her to observe it elsewhere.

The questioner asks about this stating that there is a Shar`y excuse for her moving to another location. Accordingly, I have issued a Fatwa (legal opinion issued by a qualified scholar) declaring the permissibility of doing this. Regarding any possessions in the house, you may place them in the trust of one whom you can rely on according to the mutual consent of the wife's family; if the possessions are part of the inheritance. But if they belong to her, she can either move them or safeguard them through any available means after consulting her family.

**Second: Are you obliged to maintain her...etc?**

**A:** You are not; rather, she should maintain herself from her own money.

May Allah grant us all success to do what pleases Him, compensate you, and give you the best consolation. May He be Merciful to the deceased, set aright his son and make him the apple of your eye. As-salamu `alaykum warahmatullah wabarakatuh!

**General Chairman of the Departments of Scholarly Research,**

**Ifta', Da`wah, and Guidance**

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

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## 112- Mourning customs that have no basis in Islam

**Q: As you know, a widow has to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) at home for four months and ten days. It is said that if she leaves her home before her `Iddah ends and meets anything, whether animal or human, it will die. Guide us all concerning these customs. May Allah reward you well!**

**A:** Undoubtedly, when a wife's husband dies, she is to observe Hidad for four months and ten days, as Allah states in the Ever-Glorious Qur'an. It is one hundred and thirty days and nights, unless a month is only twenty-nine days, or she is pregnant, in which case her `Iddah (woman's prescribed waiting period after divorce or widowhood) ends upon delivering the child, even if just a few minutes or hours after her husband's death. This is based on the Saying of Allah (Glorified and Exalted be He): ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ She is allowed to run errands, such as home necessities, or go out to see a physician and the like, provided that she wears Hijab (veil), dresses modestly, abides by Shar`y (Islamic) etiquettes

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and wears no perfume, just as all women should do when they leave the home. This is to avoid Fitnah (temptation). As for people claiming that if the widow meets anyone before ending her `Iddah, they will die, this is unreal; rather, it is a totally baseless superstition. There is nothing wrong in her going out on errands just like other women. However, she should remain in her home and go out only when necessary, and when she goes out, she does not pose a risk of harm to others, whether human, animal or any other.

The woman observing Hidad should take care of five things:

**1-** She should remain at the home where she was living when her husband died, until her `Iddah ends. The Prophet (peace be upon him) said to Furay`ah bint Malik when her husband died: ﴾Stay in your house until the term (i.e., `Iddah) comes to an end.﴿ There is nothing wrong with her usual going out on errands, to the physician, to court, for work like teaching, or for studying, etc. When she goes out, she should - like all women - be veiled and dressed modestly avoiding all causes of Fitnah such as perfume and the like.

**2-** She should wear ordinary clothes that are not attractive or stylish, whether they are black, green, etc. What matters is that they do not lead to Fitnah. It is not a requisite that they be black; rather, she may wear black,

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green, red, etc. provided she does not call attention to herself.

**3-** She should avoid using perfumes and incense, except upon becoming purified from her menstruation, as she then is allowed to perfume herself, as authentically reported from the Prophet (peace be upon him) on the authority of Um `Atiyyah (may Allah be pleased with her).

**4-** She should avoid ornaments; she should not wear gold, silver, diamonds, etc.; for wearing these may lead to Fitnah.

**5-** She should avoid applying kohl (antimony powder eyeliner) or henna (a plant that produces a reddish-orange dye), for this may lead to Fitnah and is a visible adornment.

A woman observing Hidad should be mindful of such matters and avoid them until she completes her Hidad. There is nothing wrong with her serving in her home or her children, going out to the garden or the roof of her home night or day, in the moonlight or darkness. All this is permissible.

She is allowed to change her clothes when she likes, and bathe when she likes, like all other women. She can bathe with water and Sidr (lote tree/ lotus jujube), and the like, but she is not to apply fragrances as previously mentioned.

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## 113- Ruling on the mourning widow visiting her children

**Q: My father died - may Allah be merciful to him - and left my old-aged mother alone. She has sons inside and outside Riyadh. She is now observing her `Iddah (woman's prescribed waiting period after divorce or widowhood) and wants to visit them and other relatives, what is the ruling on this?**

**A:** The widow who observes Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) should keep to her home and not leave it. The Messenger of Allah (peace be upon him) said to the woman whose husband died: (Stay in your house until the term (i.e., `Iddah) comes to an end.) The widow in Hidad should keep to her home; wear no beautiful clothes, no perfume, no kohl (antimony powder eyeliner) and no ornaments. There are five matters, of which the widow in her Hidad should take care:

**First,** keeping to her home until her `Iddah ends.

**Second,** avoiding beautiful clothes and only wearing unattractive clothes of black, green, blue colors.

**Third,** avoiding wearing jewelry such as gold, silver, diamonds, pearls and so on; she should not wear jewelry or a watch for beautification and decoration.

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**Fourth,** avoiding applying kohl or cosmetics that most women use today; it is permissible for her to use water, soap and the like.

**Fifth,** avoiding perfume; she should quit all types of perfume, except when getting purified from menstruation. She can go out when necessary, such as to court, hospital or market.

## 114- Ruling on a mourning widow going out to the market

**Q: Is it permissible for a widow observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to go shopping?**

**A:** It is permissible for a widow observing Hidad to go shopping or to the hospital for treatment. Similarly, it is permissible for her to go out for teaching or studying, as these are among the most important necessities. Nevertheless, she should avoid ornaments, perfume and jewelry of gold, silver, diamond, etc. A woman in her Hidad should take care of five things:

**First:** Keeping to the home where she was living when her husband died, if possible.

**Second:** Avoiding wearing beautiful clothes.

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**Third:** Avoiding perfume, unless she still menstruates, in which case she is permitted to use incense when getting purified.

**Fourth:** Avoiding wearing jewelry of gold, silver, diamond, etc.

**Fifth:** Avoiding applying kohl (antimony powder eyeliner) or henna (a plant that produces a reddish-orange dye), for Hadiths were authentically reported from the Prophet (peace be upon him), indicating all that we mentioned above. May Allah grant us success!

## 115- How should a working woman observe her `Iddah?

**Q: If the husband of a Muslim working woman dies and she lives in a country where workers only get a three-day leave when a relative dies. How should she observe `Iddah (woman's prescribed waiting period after divorce or widowhood) under such circumstances, given that if she leaves work to observe her `Iddah, she will be fired? Should she quit the religious duty for earning her living?**

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**A:** The mourning widow should observe her Shar`y (Islamically prescribed) `Iddah during which she should abide by the Shar`y Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband). It is permissible for her to go out for work during the day, for this is one of the necessities. The scholars stated that it is permissible for a woman in her `Iddah, after the death of her husband, to go out during the daytime to run her errands, and surely work is one of the most important necessities. If she needs to do this at night, it is permissible for her to go out for necessity, lest she may be fired and this may lead to harmful consequences if she works to earn her living. The scholars mentioned various reasons that allow a woman observing Hidad to go out of her husband's home; some of which are less important than going out to work if she is in dire need of this work. The basic principle concerning this is the Saying of Allah (Exalted be He): ﴾So keep your duty to Allâh and fear Him as much as you can﴿ The Prophet (peace be upon him) said: ﴾When I command you to do anything, do of it as much as you can.﴿ (Agreed upon by Imams Al-Bukhari and Muslim) Allah (Glorified and Exalted be He) knows best!

116- A mourning widow is permitted to go to work without adorning herself

**Q: The wife of my late brother works at a female school. Is it permissible for her to go to the school before finishing her `Iddah (woman's prescribed waiting period after divorce or widowhood), given that she is in dire need of this job to support her children, particularly that her absence may lead to firing her? Guide us, may Allah reward you with the best!**

**A:** In the Name of Allah, the Most Gracious, the Most Merciful! All praise is due to Allah! There is nothing wrong with this, for work is one of the most important necessities. The woman observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) is permitted to go out to meet her needs, provided that she keeps away from what Allah prohibits during the period of Hidad, such as beautiful clothes, perfume, kohl (antimony powder eyeliner) and ornaments.

117- Is it permissible for a mourning widow to perfume her children?

**Q: Is it permissible for a woman observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to wash and perfume her children? Is it permissible to propose marriage to her while she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood)?**

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**A:** A woman observing Hidad is not permitted to wear perfume, because the Prophet (peace be upon him) prohibited this. However, there is nothing wrong with her providing it for her children or guests, but without perfuming herself along with them. It is not permissible to propose marriage to her explicitly until she finishes her `Iddah. There is no objection to hinting to her about engagement without expressing it explicitly. Allah (Exalted be He) says: ﴾And there is no sin on you if you make a hint of betrothal﴿ Allah (Glorified be He) permits hinting, but does not permit direct engagement proposals. He is Most Wise.

## 118- Ruling on a mourning widow washing her hair and applying scented hair oil or cream

**Q: Is it permissible for the widow observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to wash her hair and apply scented hair oil or cream? Guide us, may Allah reward you well!**



**A:** There is no wrong on the part of the widow observing Hidad if she washes her hair and body whenever she likes, either with Sidr (lote tree/ lotus jujube) or other materials that do not contain perfume. As for anointing or washing her hair with fragrance-containing substances, this is not permissible. The Messenger of Allah (peace be upon him) (forbade the woman observing Hidad from wearing perfume except a little incense when purifying herself from menses.) May Allah grant us success!

119- Ruling on a mourning widow moving from her home to another

**Q: My father died and left my old mother alone. She is now observing her `Iddah (woman's prescribed waiting period after divorce or widowhood). She wants to visit her daughters, because she is sick and when she stays home alone, she gets tired. Is it permissible for her to go to her daughters while she is still in her `Iddah?**

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**A:** This is permissible for her if she needs so and her daughter can not go to her, and she has no one to look after her. Allah (Glorified be He) says: (So keep your duty to Allâh and fear Him as much as you can) May Allah grant us success!

## 120- Is it permissible for a woman observing `Iddah for her husband's death to talk with men?

**Q: What is forbidden for the widow, other than makeup? Is it permissible for her to meet, talk and shake hands with the Ajanib (men lawful for the woman to marry), just like the ordinary women who are not in Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband), on the pretext that what is forbidden to her whether she is in Hidad or not is just the same? You should bear in mind that she is in a society where it is easy to shake hands with men. Would you kindly point out to us the ruling on this?**

**A:** A woman whose husband dies should observe `Iddah (woman's prescribed waiting period after divorce or widowhood) and Hidad for four months and ten days, regardless if she is a young lady or old woman. She is permitted to talk to any men, relatives or otherwise, when necessary,



provided being veiled and avoiding Khulwah (being alone with a member of the opposite sex). May Allah grant us success!

121- No special clothes for a mourning widow

**Q: Does a widow have to wear clothes of certain colors during the period of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband)? Some people claim that she has to wear white clothes during Hidad.**

A: A widow does not have to wear certain clothes during Hidad; she may wear black, white, green or yellow clothes that do not show resemblance to those worn by men. She should wear feminine clothes that are not beautiful or attractive.

## 122- Seeing a mourning, unveiled widow does not invalidate her Hidad

**Q: If a man sees an unveiled widow by chance while she is still in her Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband), what should she do? Should she repeat her Hidad?**

**A:** If a man sees an unveiled woman, he should lower his gaze and look elsewhere. When the Prophet (peace be upon him) was asked about accidental glance, he said: ﴾Turn away your eyes.﴿ He (peace be upon him) also said: ﴾You are not to be blamed for the first glance, but you have no right to the second.﴿ This means that there is no sin in the first accidental glance which a man may cast while a woman is walking out of the door, for example, at the time he is stepping in or towards it. If a man meets a woman by chance, he should turn away his eyes and not have another look. Rather, he must lower his gaze. There is no sin on a woman observing Hidad, or any other women, if this accidentally happens, as long as she turns away her eyes and avoid having another look; rather, she covers herself and wears her Hijab (veil). She does not have to repeat Hidad; it is to be continued and there is no blame on her. She only must keep away from the means leading to Fitnah (temptation) and wear Hijab in front of non-Mahrams (not a spouse or an unmarriageable relative), just like any other woman.



This is not particular to a widow during Hidad, but applies to any woman in general; she should wear Hijab and stay away from the means leading to Fitnah. A woman should observe five things during Hidad:

**First,** staying in the house in which she was living when her husband died if it is suitable. However, if she cannot stay there, either because it is demolished, or because the owner refused to extend the lease period, or because she has no one to live with her after her husband's death and she is afraid. In this case, she may move to her family's house or to a safe place.

**Second,** wearing plain clothes, not attractive ones. She may wear black, green or any color, but she should choose clothes that do not attract people's attention.

**Third,** avoiding jewelry such as gold, silver, diamonds and so on.

**Fourth,** avoiding perfumes, incense and other kinds of scents, because the Prophet (peace be upon him) forbade them for a widow in her mourning period. However, she may use some scent when she finishes her menstrual period.

**Fifth,** avoiding kohl (antimony powder eyeliner) and henna (a plant that produces a reddish-orange dye), because they might lead to Fitnah as well. It is prescribed for a widow during Hidad to avoid these five prohibitions, because

the Messenger of Allah (peace be upon him) ordered her to do so and she should obey. However, she may perform any other action like ordinary women; she may bathe any time she wants, whether Friday or any other day; she may change her clothes whenever she wants; and she may talk to whoever she wants, whether men or women, directly or through the telephone or by writing. There is nothing wrong in this, provided that the phone call does not include suspicious words or provoke Fitnah; she may only talk in necessary matters, return greetings and so on in a way that keeps her far from Fitnah and suspicions.

## 123- Ruling on mourning in black for a year

**Q: In some countries, women wear black clothes for a year when any of their relatives dies, otherwise people will say that they rejoice at their death. I learned that this act is not permissible, however, I would like Your Eminence, may Allah reward you with the best, to advise people so that they would benefit and act according to the Shari`ah (Islamic law).**

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**A:** Is not permissible to wear black clothes for a year to mourn the death of some relative. This act has no basis in the Shari`ah; it is rather one of the practices of Jahiliyyah (pre-Islamic time of ignorance) during which a woman used to mourn the death of her husband for a year. Islam abolished this practice and the Prophet (peace be upon him) said that this is one of the Jahiliyyah customs. Instead, Allah ordered a woman to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) after the death of her husband for four months and ten days, if she is not pregnant, otherwise her `Iddah (woman's prescribed waiting period after divorce or widowhood) ends by delivery, even if she delivers just a few hours or days after the death of her husband. Allah (Glorified be He) says: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ A woman should mourn her other relatives for three days only for the Prophet (peace be upon him) said: ﴾It is not lawful for a woman who

believes in Allah and the Last Day to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) for one who has died for more than three days, except for a husband (for whom the mourning period is), four months and ten days.) (Agreed upon by Al-Bukhari and Muslim) Hidad which signifies "mourning" is to abstain from the usual adornments because of the death of someone.

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Wearing black clothes for a year to mourn the death of a husband or a relative has no basis; rather, it is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and one of the Jahiliyyah customs, as has been previously mentioned. It is permissible for a widow who observes Hidad to wear black, yellow, green, blue clothes, however, they should be plain, simple and not attractive. The Prophet (peace be upon him) forbade a widow who observes Hidad to wear dyed clothes. He (peace be upon him) said: (She must not wear dyed clothes, except a garment of `Asb (special clothes made in Yemen).) Scholars said that this Yemeni garment is not elegant. It is Mashru` (Islamically prescribed) for a widow during Hidad to wear unattractive and ordinary clothes so she would not be subject to Fitnah (temptation). She should also avoid wearing perfumes, jewelry made of gold, silver, diamonds, pearls, etc., and kohl. It is permissible for her to treat her eyes using any medications except for kohl. To sum up, a mourning widow should comply with five obligations:

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**1-** She must stay in the house of her deceased husband until her `Iddah is over. The Prophet (peace be upon him) said to a mourning widow: (Stay in your house until the term (i.e. `Iddah) is over.) However, it is permissible for her to leave her house for her essential chores such as groceries, and medical treatment, but she is not allowed to go out for anything else such as paying visits. She is also not allowed to travel to perform Hajj, `Umrah, or for any other purpose until the prescribed period is over.

**2-** She should not wear attractive clothes; she should rather wear ordinary and plain clothes whether black, green, blue, red, etc., as previously mentioned.

**3-** She should not wear jewelry made of gold, silver, diamonds, pearls, etc. for the Messenger of Allah (peace be upon him) forbade this.

**4-** It is not permissible for her to apply perfumes for the Messenger of Allah (peace be upon him) said:

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(She should not apply perfume.) This rule is to be abided by whether the perfume is made from aloes, flowers and the like. However, it is permissible to use incense when taking a bath after menses, for the Prophet (peace be upon him) allowed her to do so.

**5-** It is not permissible for her to wear kohl or apply henna (a plant that produces a reddish-orange dye) for this is a kind of beautification. A widow who observes Hidad must abstain from these five things. Like the rest of women, it is permissible for her to take a bath whenever she wishes, change her clothes, take medication, do her housework, and cook. She is also allowed to ascend to the roof of her house in the morning or at night, or go to the backyard or garden of her house; all this is permissible to do. She can talk to her relatives or neighbors by phone or using any other means as long as they do not backbite others and observe the proper etiquette and manners. It is permissible

for her to walk barefooted in her house or wearing footwear, the same as other women.

## 124- Condemned acts of mourning

## in some Sudanese societies

**Q: This is the description of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) in our Sudanese society:**

**First, the mourning woman sits on the ground during her waiting period.**

**Second, she would face the walls of her room along this time.**

**Third, she must abstain from speaking, and especially at sunset and sunrise for a period which women call "Zaman Al-Hadan."**

**Fourth, the woman should give up washing herself and her clothes.**

**Is this required by religion? I hope that your Eminence will illustrate the ruling on this phenomenon for a great number of women do so.**

**A:** All of this is baseless in Shari`ah (Islamic law); it is abominable Bid`ah (innovation in religion).

One should obey the Orders of Allah and His Messenger and adhere to the purified Shari`ah and stay away from Bid`ahs. The purified Shari`ah stated that the woman whose husband died, should remain

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in the house in which she was living with her husband when he died a period of four months and ten days if she is not pregnant. Allah (Exalted be He) says inSurah Al-Baqarah: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ If she is pregnant, her `Iddah (woman's prescribed waiting period after divorce or widowhood) is until she delivers her baby. Allah (Exalted be He) says inSurah Al-Talaq: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ The woman in that period is required to avoid applying perfume, wearing ornaments and beautiful clothes and putting kohl and henna. These are the only things that should be avoided by a widow observing Hidad, according to the Hadiths of the Prophet (peace be upon him) in this regard. With regard to sitting on the ground without a rug, it is a groundless, null and void act and constitutes Bid`ah (innovation in religion). The same applies to turning the face to the wall of a room and abstaining from speaking to people. She is like other women; she may face anything and speak to anyone, her relatives, her children, her neighbors, but concerning good matters.

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However, she is not permitted, like other women, to be alone with non-Mahrams (not a spouse or an unmarriageable relative). However, there is no wrong at all concerning speaking to Mahrams (unmarriageable relatives) and other men about matters of benefit to her and life concerns, but in a way free from suspicions. Moreover, the period they call "Zaman Al-Hadan" during which a woman abstains from speaking at sunrise and sunset, is a baseless Bid`ah. On the contrary, she is allowed to speak at any time during night or day and say what she wants of Dhikr (Remembrance of Allah) and the like of allowable things without any blame. These four things mentioned that your people do are groundless and have no evidence in the purified Shari`ah. The Muslim woman should avoid these Bid`ahs and heresies which people invented. She should only observe what Allah (Exalted be He) prescribed. Islam orders the mourning widow to avoid beautiful clothes, perfume, jewelry, kohl and henna for these things attract the attention and make men desire her. She should also remain in the house in which her husband died while she was living with him, if this is possible; but if the house was destroyed, rented and his owner refused to lease it anymore or she feels lonely and there is no one with her, she can move to her family's house and there is nothing wrong in that. Similarly, it is permissible for her to leave the house for a necessity such as going to the hospital, the court, the market, etc., in order to fulfill her needs.

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What you mentioned about abstention of the widow from washing herself and her clothes, all of this is invalid and has no basis. It is permissible for her to take a bath at any time and on any day and to comb her hair at any time, but without using perfume. Also, there is nothing wrong in washing her clothes and the clothes of her children. All this is permissible for her to do. May Allah guide all of us to useful knowledge and acting upon it!

## 125- Start time of `Iddah in case of

## a woman whose husband went missing and then was found dead

**Q: There is a woman whose husband was found dead a week after he went missing. It seems that he had been dead for three days. When does her `Iddah (woman's prescribed waiting period after divorce or widowhood) begin? Does it begin from the day he went missing or from the day wherein it is thought he died or from the day he was found? Please answer us.**

**A:** She should start to observe `Iddah from the day he was found dead, because this is what is certain. Her `Iddah is four months and ten days. She also has to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband). Yet if she is pregnant, then the term of her `Iddah ends when she gives birth, because Allah (may He be Praised) says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿

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Allah (Glorified and Exalted be He) also says: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ It was also authentically reported from the Prophet (peace be upon him) that he gave a Fatwa to Sabi`ah Al-Aslamiyyah that she has completed her `Iddah upon giving birth. (Agreed upon by Imams Al-Bukhari and Muslim) May Allah grant us success!

## 126- Should the `Iddah of a widowed wife be counted by days or months?

**Q: Regarding the `Iddah (woman's prescribed waiting period after divorce or widowhood) of a woman whose husband died, should it be counted in days or months, whether the Hijri (lunar) month counts as (29) or (30) days? Please give us a Fatwa, may Allah reward you with the best!**

**A:** The `Iddah of a woman whose husband died is four months and ten days if she is not pregnant, according to the Ijma' (consensus) of the Muslims, because Allah (Glorified and Exalted be He) says:

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﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ This equals one hundred and thirty days. Yet if there are some twenty-nine-day months during the course of `Iddah, then she should observe the `Iddah accordingly. For example, if the husband dies at the end of Sha`ban and Ramadan counts as twenty-nine days, then she should observe the `Iddah accordingly. The same applies to both months of Shawwal and Dhul-Qa`dah. If it is proven that each one of them counts as twenty-nine days, then she should observe the `Iddah accordingly. Regarding the other months which the Islamic courts does not prove that they are twenty-nine days, she should consider each of them as thirty days until she completes her `Iddah.

Regarding a pregnant woman, her `Iddah ends by delivering her baby, whether she is divorced or her husband died leaving her, because Allah (Glorified and Exalted be He) says: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ May Allah grant us success!

## 127- Ruling on a woman whose husband died in an accident and her giving birth after his death

**Your Eminence the General Mufty: Ibn Baz, may Allah preserve you!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**While crossing the road, a man had an accident with his wife who was in her eighth month of pregnancy. The woman survived, but the husband died. After moving her to the hospital, doctors decided that an operation must be carried out to take out the fetus that turned out to be a dead girl. Should this woman observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband)? May Allah grant you success!**

Wa `alaykum as-salam warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

Based on what you mentioned, the `Iddah and Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) of the mentioned woman have ended once she gave birth, because Allah (may He be Praised) says: (And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden) May Allah grant us all success! As-salamu `alaykum warahmatullah wabarakatuh!

**General Mufty of the Kingdom of Saudi Arabia**

**`Abdul `Aziz bin `Abdullah ibn Baz**

## 128- Ruling on a woman whose husband died during Hajj

**To His Eminence, Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, the General Mufty of the Kingdom of Saudi Arabia, may Allah grant you success!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**Please advise concerning the following:**

**Q: A Sudanese woman came to perform Hajj. She performed `Umrah (lesser pilgrimage) on the 27th of Ramadan, and she has two sons who are working in Saudi Arabia. Four days ago, she was told that her husband died in Sudan. Can she continue her Hajj while she is observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband), or does she have to go to Sudan to observe Hidad at home? What do you recommend? May Allah reward you!**

Wa `alaykum as-salam warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

She should observe Hidad and continue her Hajj. May Allah console her and accept righteous deeds from her, us and the rest of the Muslims! As-salamu `alaykum warahmatullah wabarakatuh!

**General Mufty of the Kingdom of Saudi Arabia**

## 129- Ruling on a woman who gave birth and then her husband died

**Q: A woman gave birth in the hospital. At the same time, her husband died in an accident while he was coming to her in the hospital. Does she have to observe `Iddah (woman's prescribed waiting period after divorce or widowhood)?**

**A:** She has to observe `Iddah for four months and ten days if her husband died after she gave birth, according to the generality of the Saying of Allah (Exalted be He): ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ May Allah grant us success!

# 130- A question on `Iddah of a widow

His Eminence, the Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance. As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I have a question and I hope you will answer it. May Allah reward you with the best!

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I am a married woman since thirty years. Twelve years ago a dispute erupted between my husband and I. He married another women and moved to live with her in her house. He does not come to live with me and my children where I live. He used to not pay our expenses or visit us. Seven years ago I traveled to the USA to visit my son who was studying there when his first child was born. It seemed that he was not satisfied with my travel and as a result, he had the intention to divorce me, but he wrote this in an illegal will after a sickness he suffered from at the time but no one knew that. He kept this will in his safe which we examined after his death last week. After that he came to me and approached to me as husbands do with their wives and he stayed with me in private for two weeks but we differed again. I went to him asking for my papers of Talaq (divorce pronounced by a husband) when I heard from his relatives that he divorced me and he promised to send it within two days when my deputy goes to him. I sent my eldest son to him but he refused. I talked to him on the phone to ask for my papers of Talaq, but he refused and said that he did not write them. He mentioned many times before his brothers and children from his other wife that he divorced me. Two months ago, my eldest daughter went to him

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with one of her sisters and her brother to ask for their allowances and asked him about my status. He said: I divorced her a long time ago. My husband died last week, but two weeks before his death my brother, who is my Waliy (a legally accountable person acting for a woman regarding marriage), went to him and talked with him about many issues, but he did not tell him about the Talaq. I do not know weather I am still his wife or divorcee in order to observe `Iddah (woman's prescribed waiting period after divorce or widowhood). Could you kindly advise in writing? May Allah reward you with the best! As-salamu `Alaykum warahmatullah wabarakatuh!

A.E.Z.

From `Abdul-`Aziz ibn `Abdullah ibn Baz to sister `A. A. Z., may Allah guide you to all good! Amen!

As-salamu `Alaykum warahmatullah wabarakatuh!

What I understood from the question is: Should you observe `Hidad (prescribed mourning period

during which a widow does not adorn herself and keeps to the home of her deceased husband) for your late husband who died last week. My view is to observe Hidad as a precautionary procedure, unless two trustworthy witnesses testify that he divorced you before his death and three menses have passed or three months if you have been through menopause, before his death, then there is no Hidad due on you. As for inheritance, this is a matter that should be referred to the court. May Allah guide all Muslims to do what pleases Him. As-salamu `Alaykum warahmatullah wabarakatuh!

**`Abdul `Aziz bin `Abdullah ibn Baz**

## 131- `Iddah of a pregnant widow ends by delivering her baby

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Mr. H. M. N. F, may Allah grant you success, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**Your letter dated 17/6/1394 A.H. reached me, may Allah guide you and all that it included was quite clear to us.** I inform you that the Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) of a pregnant widow ends by delivery. Allah (Exalted be He) says inSurah Al-Talaqconcerning divorced women: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ The pregnant widow takes the ruling of the divorced pregnant woman as stated by scholars, according to the general Ayah mentioned above and what is recorded in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) that the Prophet (peace be upon him) said to Sabi`ah Al-Aslamiyyah that her waiting period was over by giving birth to her child, when she delivered her baby a short time after the death of her husband. I ask Allah to help us all understand religion and adhere to it, for He is the Best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh!

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## 132- A question on `Iddah of a widow

**From `Abdul `Aziz bin `Abdullah ibn Baz to our honorable brother R. M. J. M., may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I have received your noble letter dated 10/4/1389 A.H., may Allah guide you! I knew the question it included on the widow who observed Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) only after a year from the death of her husband.**

**A:** It is obligatory for the widow to observe both `Iddah (woman's prescribed waiting period after divorce or widowhood) and Hidad immediately after the death of her husband. The length of this period is four months and ten days if she is not pregnant. If she is pregnant, she must observe both `Iddah and Hidad until she delivers her baby. If she learns about the death of her husband only after the elapse of the prescribed waiting and mourning period, then she is obliged to observe neither `Iddah nor Hidad. It is not permissible for a widow to consider herself in `Iddah or Hidad after the required time has elapsed.

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If she is ignorant of this, she must be taught and the ruling of Shari`ah (Islamic law) should be explained to her, because most people are ignorant of the rulings of Shari`ah. May Allah grant us, you and all Muslims comprehension of His Religion and help us adhere to it, for He is the Best One to be asked!

**Vice President of the Islamic University**

## 133- Hidad for death of other than the husband

**Q: Fuqaha' (Muslim jurists) state that women, other than the wife of the deceased, are permitted to abstain from adornment and wearing best of clothes for three days. Is this true?**

**A:** This is correct and it is substantiated with the Sahih (authentic) Hadith in which the Prophet (peace be upon him) said: (A woman must not observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) for one who has died for more than three (days), except for a husband (for whom the mourning period is), four months and ten days.) (Agreed upon by Imams Al-Bukhari and Muslim) As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

## 134- Ruling on mourning the kings and leaders

All praise be to Allah, and may peace and blessings be upon the Messenger of Allah, his family, his Companions, and those who follow his guidance.

It has become a custom for many Islamic countries in this age to issue a command to observe mourning for three days or more or less for the death of a king or leader, to close governmental circles and to have the flag flying at half mast. There is no doubt that this act contradicts the Shari`ah (Islamic law) of Prophet Muhammad (peace be upon him) and it implies imitating the enemies of Islam. There are Sahih (authentic) Hadiths related from the Messenger of Allah (peace be upon him) prohibiting and warning against mourning, except for a wife who is permitted to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) following the death of her husband for a period of four months and ten days. The Prophet (peace be upon him) also gave a license, only to women, to observe Hidad for their relatives for three days or less. Other types of mourning are prohibited by Shari`ah. There is no proof that can be inferred from the perfect Shari`ah that allows mourning for a king, leader, or anyone else. During the lifetime of the Prophet (peace be upon him), his son Ibrahim, three of his daughters,



and other notable figures died. Yet the Prophet (peace be upon him) did not mourn them. During his lifetime (peace be upon him), the commanders of the Army of Mu'tah, i.e., Zayd ibn Harithah, Ja`far ibn Abu Talib and `Abdullah bin Rawahah (may Allah be pleased with them) were killed. Yet he (peace be upon him) did not mourn them. Furthermore, the Sahabah (Companions of the Prophet) did not mourn the death of the Prophet (peace be upon him), the best of the Prophets and the best of the righteous of the children of Adam. Nor did they mourn Abu Bakr Al-Siddiq (may Allah be pleased with him), the best of the Sahabah and the best of the righteous after the Prophets. When `Umar, `Uthman and `Aly (may Allah be pleased with them), the best of the righteous after the Prophets and Abu Bakr Al-Siddiq were killed, no one mourned them. The same was true with all the Sahabah who died and were not mourned by the Tabi`un (Followers, the generation after the Companions of the Prophet) and the same also with the Imams of Islam and guidance from the generation of Tabi`un and those who followed including Sa`id ibn Al-Musaib, `Aly ibn Al-Husayn Zayn Al-`Abidin, his son Muhammad ibn `Aly, `Umar ibn `Abdul-`Aziz, Al-Zahry, Imam Abu Hanifah, his two companions, Imam Malik ibn Anas, Al-'Awza`y, Al-Thawry, Imam Al-Shafi`y, Imam Ahmad ibn Hanbal, and 'Ishaq ibn Rahawayh and many others of the imams of knowledge and guidance. No Muslims mourned those people. Had this mourning been good, the Salaf would have done it. All goodness lies in following them and evil lies in opposing them. As mentioned above, the Sunnah (whatever is reported from the Prophet)

affirms that what the Salaf did concerning avoiding mourning any person except for a dead husband, is the right course. What people do nowadays by mourning kings and leaders is unacceptable in Islam. These practices involve imitating the enemies of Islam and result in much harm, such as suspension of the services. Consequently, the Muslim authorities and rulers must abandon these acts of mourning and follow the conduct of the Salaf. Furthermore, the people of knowledge have to warn and inform Muslims about the ruling on these acts as they are obliged to advise people and cooperate in righteousness and piety. I, therefore, for the sake of Allah, the Prophet (peace be upon him) and all Muslims, Imams and laypeople, find it is necessary to write this brief statement.

I ask Allah (Glorified and Exalted be He) to grant Muslim rulers and subjects success to do what pleases Him and to follow Shari`ah and warn against opposing it. May Allah purify our hearts and deeds for He is the All-Hearer and Responsive! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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## Chapter on nursing

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### 135- The number of suckles that prohibit marriage

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, may Allah guide him to every goodness! Amen!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

I have received your letter dated 18/7/1391 A.H., and I sent to you my written answer no. 78 dated 12/1/1392 A.H. I have read the attached letter in which D.M.H admits: "We used to live near Al-Quway`iyah. After sunrise, B.S.M came to me carrying her nephew A.M in order that I might suckle him. Thus, I suckled him until he was full. He used to suckle and when he gets tired, he leaves my breast until he became satisfied. In the afternoon of the same day, his father brought him to me, so I suckled him until he became satisfied and each time he suckles, when he is tired, he releases the breast. I do not know the number of suckles which he had in the morning or in the afternoon. This is exactly what had happened." The matter was certified by the testimony of GH.B.S., and M.Sh.M. May peace and blessings of Allah be upon our Prophet Muhammad, his family and his Companions! Written in 10/5/1392 A.H. The letter is certified by the signature of `Arwa judge at the end of the letter as follows: "Praise be to Allah alone! A woman came to me and I approved her above statement because she is a trustworthy woman.

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I sent to you the letter based on her acknowledgment. May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions! Written in 25/5/1392 A.H." Accordingly, my view is that she is not lawful in marriage to you because she suckled more than four times from the same woman who suckled you according to the testimony of the nurse D. She became your sister by suckling. I ask Allah to grant all Muslims success in understanding their religion and keep them firm on it for He is the Most Generous, Most Bountiful. As-salamu `Alaykum warahmatullah wabarakatuh.

## 136- If breastfeeding is less than five suckles, it will not affect marriageability

**Your Eminence, the General Mufty (Islamic scholar qualified to issue legal opinions) of the Kingdom of Saudi Arabia,**

**As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:**

**I resend to you all the papers of the Fatwa of B.N., referred to us from your Eminence no. 212 on 14/2/1417 A.H., concerning breastfeeding.**

**We would like to inform you that we sent the full documentations to his Eminence the Judge of Al-Qawz court in our letter no. 305/1 on 20/2/1417 A.H.,**

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**at your request to complete the details which you mentioned earlier. His Eminence sent it back to us in letter no. 365 on 24/2/1417 A.H., which includes what has been referred to. He sent us a copy of the description report in which the procedures done are written.**

**I hope you will study the papers as well as the description report and do what is necessary to give a Fatwa to the concerned person. May Allah reward you well! As-salamu `Alaykum warahmatullah wabarakatuh.**

As-salamu `Alaykum warahmatullah wabarakatuh. To proceed:

According to the description of breastfeeding as certified by the Judge of Al-Qawz court done by the grandmother of the wife of M.B.N., and her confession that she does not remember the number of suckles, I say that his marriage is valid and his wife is still in his custody. The mentioned breastfeeding does not have any effect and does not result in the application of the rulings of breastfeeding because one of the conditions of breastfeeding that prohibits marriage is that the five suckles must be crystal-clear and known during the first two years of the baby's life. I hope you would inform all people about this Fatwa. May Allah bless your efforts and double your and our reward! As-salamu `Alaykum warahmatullah wabarakatuh.

**The General Mufty of the Kingdom of Saudi Arabia**

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

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## 137- The prohibition of marriage doesn't take effect except after five times of suckling

**Q: I have suckled from a woman three times; one time each day and in different sessions. Am I regarded as a maternal son of this woman? Answer me, may Allah reward you well!**

**A:** These three times of suckling do not prohibit marriage as the prohibition of marriage due to suckling requires five times of suckling. The Prophet (peace be upon him) said: (Being suckled once or twice does not make marriage unlawful.) Also, it is authentically reported that `Aishah (may Allah be pleased with her) said: (It was revealed in the Qur'an that ten clear times of suckling prohibit marriage then it was abrogated (and substituted) by five clear times of suckling, and the Prophet (peace be upon him) died while it was likewise.) (Related by Imam Muslim in his Sahih and Imam Al-Tirmidhy in his Book Al-Jami` and this is the wording of Al-Tirmidhy)

A time of suckling is realized by holding the breast and taking milk even if this is not satisfying and no matter how long this is. When the child leaves the breast, it is counted as one time of suckling, then if he returns and holds the breast sucking its milk, it is regarded as another time provided that suckling takes place

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within the first two years. The Prophet (peace be upon him) said: (Suckling is not to be counted (with regard to the prohibition of marriage) if it occurs over the age of two years.) And: (Foster suckling relationships is established only when milk is the main food of the child.) May Allah grant us success!

## 138- Ruling on breastfeeding a child when they are more than two years of age

**Q: When can marriageability be affected by one time of breastfeeding and when can it be affected by five times of breastfeeding?**

**A:** Breastfeeding does not affect marriageability unless it takes place five times during the first two years of the child's age. Accordingly, breastfeeding for less than five times or when the child is more than two years of age does not affect marriageability.

The foregoing is proven by some Sahih (authentic) Hadiths.

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To give some examples, I will quote the Hadith in which the Prophet (peace be upon him) said: ﴾Breastfeeding is to be only during the first two years of age (of the child).﴿ It is worth mentioning that Allah (Glorified and Exalted be He) says: ﴾The mothers shall give suck to their children for two whole years﴿ Moreover, the Prophet (peace be upon him) said to Sahlah bint Suhayl: ﴾Give Salim five times of breastfeeding and thus you will be unmarriageable to him.﴿ In addition, it is authentically reported that `Aishah (may Allah be pleased with her) said that it was revealed in the Qur'an that ten times of clear breastfeeding prohibit marriage then it was abrogated (and substituted) by five times of clear breastfeeding, and the Prophet (peace be upon him) died while it was likewise. Such a ruling was neither abrogated nor changed. Marriageability is affected by five times of breastfeeding proven by the testimony of one or more just male or female witnesses. However, if the breastfeeding woman is just, trustworthy, or a Muslim male witnesses that she is so and she confesses that she gave the child five times of breastfeeding during the first two years of their life, her testimony is to be accepted.

## 139- Unknown number of breastfeedings does not affect marriageability

**Q: As my mother was absent for one full day, another woman, in our village, breastfed me along with her baby girl. I do not know how old I was at that time but when I grew up the woman that breastfed me on that day told me and my family that she breastfed me during the period in which she breastfed the girl referred to above. The point is that when I attained my full legal age I got married to the younger sister of the girl with which the concerned woman breastfed me and I had a baby girl. It may be worth mentioning that as all other inhabitants of the desert at that time, we were unaware of the rulings on breastfeeding. However, we do not know whether the concerned times of breastfeeding were for more or less than five times and we do not know whether they were in the manner that affects marriageability. Please guide us as to what we should do now. May Allah reward you with the best!**

**A:** If you do not know the exact number of breastfeedings, there is no blame on you, i.e., your wife is lawful to you, all praise be to Allah Alone. However, if the woman who breastfed you on that concerned day is available and trustworthy; you have to question her about the matter. If she says that she breastfed you five times or more during the first two years of your age, you will be considered a brother to the woman that you got married to as she is the daughter of the same woman and consequently she will not be marriageable to you. Conversely, if the breastfeeding woman has passed away, does not know the number of the breastfeedings she gave you, or is not trustworthy because of being known of her Fisq (flagrant violation of Islamic law) or lying; there is no blame on you and your marriage is valid, all praise be to Allah Alone.

## 140- Permissibility of breastfeeding

## for more than two years by consent

**Q: What is the ruling on increasing the breastfeeding period for more than two years? Is it true that a child who is breastfed for more than two years becomes disobedient?**

**A:** A child should be breastfed for two years, unless the parents agree on weaning them before two years, according to Allah's saying (Glorified and Exalted be He): ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ until His saying (Glorified be He): ﴾If they both decide on weaning﴿ (the parents) ﴾weaning﴿ ﴾If they both decide on weaning, by mutual consent, and after due consultation, there is no sin on them.﴿ It is permissible to increase the period if necessary. As for the claims that a child who is breastfed for more than two years becomes disobedient, this is groundless and innovated by some people. May Allah grant us success!

## 141- Shar`y breastfeeding

## that affects marriageability

**Our Eminent respected Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah protect you!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your noble letter regarding the enquiry of brother R.S.R. I called the concerned breastfeeding woman and asked her about the detailed manner of the breastfeeding in question. She answered that in only one of the three concerned times of breastfeeding, she was sure that the child did not withdraw from her breast while being breastfed. Regarding the two other times of breastfeeding, she stated that she does not remember at all whether the child made such withdrawal or not. I repeated the question and the concerned woman gave the same answer. As the foregoing was not mentioned in the letter of Your Eminence, I wrote this letter and handed it to the questioner in order to give it to you. May Allah keep and support you! As-salamu `alaykum warahmatullah wabarakatuh.**

**Sincerely yours, M. S. A.**



**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence Shaykh M. S. A., may Allah protect him!**

**As-salamu `alaykum warahmatullah wabarakatuh.**

**I received your noble letter dated in 28/02/1404 A. H. I understood what Your Eminence mentioned to the effect that R. S. R. was breastfed three times by his paternal uncle's wife Q. Nevertheless, the concerned woman does not remember the manner of two times of breastfeeding referred to above.**

Based on all the foregoing, R., is not considered a son to the breastfeeding woman Q., or her husband. Moreover, the daughters of Q., and the daughters of her husband from another (wife) other than her are not unmarriageable to R. This is because of the fact that, regarding the case in question, Shar`y (Islamic legal) breastfeeding that affects marriageability is not proven. Evidence for the foregoing is the narration that is authentically reported from `Aishah (may Allah be pleased with her) who said: (It was revealed in the Qur'an that ten clear breastfeedings prohibit marriage then it was abrogated (and substituted) by five clear breastfeedings, and the Prophet (peace be upon him) died while it was likewise.) (Related by Muslim in his Sahih Book of Hadith and Al-Tirmidhy and this is the wording of the latter). I thus hope that you inform all the concerned parties of the Fatwa (legal

opinion issued by a qualified Muslim scholar) mentioned above. May Allah reward you! As-salamu `alaykum warahmatullah wabarakatuh.

**`Abdul `Aziz ibn `Abdullah ibn Baz**

## 142- Marriageability is not affected by less than five times of breastfeeding

**Dear Eminent Shaykh Ibn Baz, may Allah protect you!**

**Following is my question: "I would like to marry the daughter of my maternal uncle whom my mother breastfed once during the same period when she breastfed my young sister. Is it permissible for me to marry her? Please, advise! May Allah reward you with the best!**

Your Eminence the judge of Zhahran Al-Janub Court, may Allah protect you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I asked the concerned questioner S., to bring his mother to your place so that you would verify the number of breastfeedings that she gave to the girl in question. If they are less than five times of breastfeeding, it is well-known to Your Eminence that they do not affect the marriageability of the questioner to such a girl. However, if the matter involves any confusion; I do not mind to study it after recording it and verifying that the mother in question is just and trustworthy. I thus hope that Your Eminence seeks the reward of Allah and takes the necessary procedures. May Allah reward you! As-salamu `alaykum warahmatullah wabarakatuh.

**Your brother**

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

## 143- Acting upon presumptions regarding breastfeeding

**All praise be to Allah Alone, and peace and blessings be upon the last Prophet. I received the letter of His Eminence Shaykh Abdul-`Aziz ibn Abdullah ibn Baz number 2 dated 04/01/1404 A. H. In the letter the Eminent Shaykh advised that the woman Sh.D.M should be brought to me and questioned about the duration and number of breastfeedings, and whether she is sure that the milk reached from her breast to the stomach of Kh. R. in each breastfeeding. The Eminent Shaykh advised also that I ask people who know the concerned woman well whether she is just and trustworthy?**

**A:** The woman in question mentioned that she breastfed Kh. R., many times that she cannot count them. She added that the mother of Kh. R. had an illness in her left breast so it was operated on to be treated and Kh. R. stayed with her for a period during which she breastfed him with her son. Sometimes she would breastfeed him at night then they would take him to his mother, and sometimes she would breastfeed him during the day then they would take him to his mother. She mentioned that she continued doing so until the mother of Kh. R. recovered, that she cannot count

the months or years, and that she does not know the number of breastfeedings she gave to Kh. R. She said: "Yes, my milk reached from my breast to the stomach of Kh. R. He used to hold my breast until he would be sated then he would release it. He did this so many times that I cannot count." I then let the concerned woman go out and I received some men who know her affairs their entire lives. One of those men was M. R. R. I asked him about



the woman in question and he mentioned that she is his paternal grandmother. Then he mentioned that she commits to her faith, observes Sawm (Fast) and performs Salah (Prayer), and that she is known for her truthfulness. The second witness mentioned exactly the same words said by the first witness. This is what we recorded regarding the answers of the woman and the two witnesses. The document has been signed. May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**The judge of the court of**

**Al-Ha'it**

**S. `A. Gh.**

**From** Abdul Aziz ibn Abdullah ibn Baz **to the respected brother His Eminence the judge of Al-Ha'it court, may Allah guide you to all goodness! Amen!**

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**Dear Eminent Shaykh, I hereby return to you all the documents regarding the breastfeeding of Sh. D. to Kh. R.**

I inform you that the words of Sh. D. indicate that she gave Kh. R. more than five times of breastfeeding. This is because the operation performed on her breast normally does not heal in two or three days. I thus hope that you will inform all the concerned parties that the marriage of the questioner Kh. R.



to the daughter of his paternal uncle is not valid as he, according to what has been mentioned by Sh. D., is her foster paternal uncle. A proof for this is the Hadith in which the Prophet (peace be upon him) stated: ﴾Whoever is unmarriageable due to blood relationships is also unmarriageable due to breastfeeding relationships.﴿ I thus hope that you inform all the concerned parties of this. May Allah reward you for your efforts. As-salamu `alaikum warahmatullah wabarakatuh.

**Abdul-`Aziz ibn Abdullah ibn Baz**

## 144- Clarifying the manner of breastfeeding that affects marriageability

Dear Eminent Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance, may Allah protect you!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Regarding your letter no. 70/Kh dated 21/01/1404 A. H., I wrote to the concerned woman asking her to appear before me; letter number 334 and dated in 08/02/1404 A. H. However, she could not come and wrote her answer on the bottom of the letter whose number and date are indicated above. Though her writing was not clear, I understood from it that N. S. claims that she does not know any thing more than what the mother and grandmother of N. M. know. I sent



some men to record the answer of N. S. again and witness it as no witnesses had verified it before. They did so and brought her answer dated 10/02/1404 A. H., that I attached to this letter and registered it under number 526 dated 11/02/1404 A. H. Since N.S., mentioned in her answer that she does not know any thing more than what the mother and grandmother of N. M know, I wrote them a letter, number 378 dated 12/02/1404 asking them to respond to our question. Thus, they sent us their attached answer that we registered under number 546 dated 15/02/1404 A. H. I hereby send to you your letter number 70/K dated 21/01/1404 A. H., the two letters that we sent to the concerned women, and their two reply letters. Please read all this documentation and take the necessary steps, may Allah preserve you! As-salamu `alaikum warahmatullah wabarakatuh.

The Judge of the Court of Al-Ha'it

Dear respected eminent judge of Al-Ha'it court

As-salamu `alaikum warahmatullah wabarakatuh.

I M.S., met with S.`A., and her daughter M.`A., to discuss the claim of N.S., that she breastfed N.M. However, by asking S.`A. i.e. the grandmother of N.M., and M.`A., i.e. the mother of N.M.; we came to know that the grandmother does not know any thing regarding the concerned matter. On the other hand, the mother said that when she delivered her son N.S., was there. M.`A., went on to say that while she was unconscious N.S., put her breast in the mouth of N.M. The mother then mentioned that she does not know



whether the breast emitted milk into the mouth of N. M.?

From Abdul-`Aziz ibn Abdullah ibn Baz to the respected brother His Eminence the Judge of Al-Ha'it Court, may Allah guide you to all goodness! Amen!

As-salamu `alaykum warahmatullah wabarakatuh.

I received your noble letter number 396 dated 15/02/1404 A.H., and I read what Your Eminence registered regarding the breastfeeding of N.S., to N.Kh., and N.M., After reviewing the answer of N.S., M.`A. (the mother of N.M.), and S.`A. (the grandmother of N. M.), I understood that they did not give a legally recognized testimony for a legally recognized breastfeeding. Accordingly, M.S., is not to be blamed for his marriage to the mother of his nephews (N.M.) while keeping his first wife N.Kh. in his `Ismah (the bond of marriage) as there is no Shar`i (Islamic legal) breastfeeding to prevent this. This is because it is well known for breastfeeding to affect marriageability it has to reach, according to the most proper opinion of Muslim scholars, five complete times of breastfeeding that were given to the child during the first two years of age. None of the information is a proof regarding the case in question. I thus hope that you inform all concerned parties of this. May Allah reward you! As-salamu `alaikum warahmatullah wabarakatuh.

## 145- Prohibition of marriage is not established by breastfeeding unless its stipulated conditions are fulfilled

Praise be to Allah Alone and peace and blessings be upon His Servant and Messenger! To proceed:

Based on the explanation of his Eminence Shaykh Abdul-`Aziz ibn Abdullah ibn Baz dated 20/3/1404 A.H., to the question posed to his Eminence from S.H.W., including that his mother breastfed a girl whom he would like to marry. His Eminence recommended taking the statement of the breastfeeding mother. Consequently, on 5/4/1404 A.H., before me, judge of South Zhahran court, appeared Z.H., the mother of the inquirer S., along with her husband M.GH. She was asked about the nature of the breastfeeding mentioned by her son; its number and dates. She replied that she had gone to her brother's house one day after his wife delivered her baby girl S.M.H.Kh. She added that the girl was crying so she offered her broth but she refused to take it. Accordingly, she breastfed her from one breast until she released it on her own, and did not give her the other breast. She also declared that she did know the number of suckings or the amount of the milk, and that was the first and last time she ever breastfed her. This was the testimony of the mother in the presence of her husband.



Your Eminence Shaykh Abdul-`Aziz ibn Abdullah ibn Baz ,

As-salamu `alaikum warahmatullah wabarakatuh! To proceed:

I am repeating to your honor your explanation dated 20/3/1404 A.H., to the enquiry of S.H.W., who wishes to marry S.M.H, who was breastfed by his mother. Your Eminence asked us to record the breastfeeding mother's statement. Thus, I did so and enclosed in the attached report. However, I am still unsure about this matter due to the differences known to your Eminence on the issue of breastfeeding. I hope you will review and recommend what you deem appropriate. May Allah reward you, praise your efforts and bless your life! As-salamu `alaikum warahmatullah wabarakatuh.

Judge of South Zhahran

From Abdul-`Aziz ibn Abdullah ibn Baz to our honorable brother, His Eminence judge of South Zhahran, may Allah grant him success, Amen!

As-salamu `alaikum warahmatullah wabarakatuh. To proceed:

I received your letter no. 386 dated 6/4/1404 A.H., and reviewed

the attached report including the testimony of Z.H.M, that she breastfed S.M.H, only once. Accordingly, I have issued a Fatwa (legal opinion issued by a qualified scholar) to the questioner that the mentioned breastfeeding is not to be counted and prohibition is not to be established by it, since the stipulated conditions for that are not met. Kindly, notify all parties of this. May Allah bless your efforts! As-salamu `alaikum warahmatullah wabarakatuh.

**Abdul-`Aziz ibn Abdullah ibn Baz**

## 146- If a woman breastfeeds a male infant, all her daughters become unlawful for him in marriage

**Q: I am a mother of three daughters; one from my first husband, and two from my second husband. I also have a foster son who was breastfed along with my first daughter. Is this boy considered a brother of my two other daughters?**

**A:** If you breastfed the boy five times or more in the first two years of his life, he is considered your son

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and the brother of all your daughters, whether they were born before or after him. He is also considered the brother of all your husband's children, according to Allah's statement (Glorified be He) regarding prohibitions of marriage: ﴿, your foster mother who gave you suck, your foster milk suckling sisters,﴾ The Prophet (peace be upon him) also stated: ﴾What is unlawful (in marriage) because of blood relations is also unlawful because of the corresponding foster relations.﴾ (Agreed upon by Imams Al-Bukhari and Muslim).

# 147- Issue on Suckling

**Q: A questioner says: "My brother who is two years younger than I, was breastfed by the wife of my maternal uncle, along with her own son. Is it permissible for me to uncover in front of this uncle's sons, i.e., not wearing the veil before them? What is the ruling on my sisters who are younger than the brother who was breastfed by the wife of my maternal uncle?**

**A:** If breastfeeding is proven to have taken place, and he was breastfed five complete or more times within the first two years of his life, then your brother is a son to your maternal uncle through breastfeeding, and he is a son of your uncle's wife who breastfed him. Their children are his brothers, and your maternal uncle's brothers are his paternal uncles and his sisters are his paternal aunts.

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The brothers of the woman who breastfed him are his maternal uncles and her sisters are his maternal aunts, because the Prophet (peace be upon him) stated: ﴾Whatever is prohibited due to blood relationships with regard to marriage is also prohibited by breastfeeding relationships (Breastfeeding relationships are equal to blood relationships in rendering marriage unlawful).﴿ (Agreed upon by Al-Bukhari and Muslim).

However, you have no connection with the breastfeeding mentioned, and it is not permissible for you or your sisters to uncover in front of the sons of your maternal uncle on the grounds that your brother was breastfed by the wife of your maternal uncle, because they are not Mahrams (unmarriageable relatives) for you. May Allah help us all to understand His religion and adhere to it!

## 148- Issue on breastfeeding

**Q: Last year, I married the daughter of my paternal uncle. Now our problem is that my foster mother who breastfed me along with her elder son witnessed that she suckled my wife along with her son. Yet, she did not explain manner of the times of breastfeeding. What should I do in this regard?**

**A:** Your wife is not to be deemed unlawful for you unless the mentioned woman who breastfed you testifies that she breastfed her five times or more within the first two years of her life and she must prove that it is she who breastfed her.

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We recommend that you bring her before the judge for questioning along with a witness that can meet the necessary requirements in the issue. May Allah grant us all success!

## 149- There is no harm in marrying the daughter of one's maternal aunt by means of breastfeeding

**Sh.E.M informed me of his desire to marry N.M.D. Yet, he knew that H.`A.L., breastfed his mother F.M.`A. The mentioned H.`A., is the maternal grandmother of the mentioned N.M., but this breastfeeding was not proven because he brought to us his maternal aunt `A.M.`A., who is much older than his mother. She said that she knows and remembers nothing about this breastfeeding and that they knew the mentioned H.`A., only after F.M., was weaned and her brother was born after her. Before this there was no link, neighborhood, or even acquaintance between them and this woman. This was also confirmed by his grandmother L.`A.M., who is the mother of F., where she stated that her daughter was not suckled by H., and that they knew H., only after her daughter had given birth to a younger brother**

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**of F.M. Since these two relatives of F.M., denied that she was breastfed by this woman, and because there is none who can prove this and there is none claiming to have actually breastfed both of the children -which will make it unlawful for them to marry each other- then there is nothing that prevents the sons of F., from marrying the daughters of H.; whether they are their real children or their children by means of nursing. There is no harm in this even if H., and F.M., are not present now, because L.`A.M., is her mother who brought her up and who best knows who nursed her; unless the claimed suckling is proven. This was stated and written by `Abdullah ibn `Abdul-Rahman Al-Jibrin the member of Ifta'. May Peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!**

In the name of Allah, the most Gracious, the most Merciful

If the case is as Shaykh `Abdullah has mentioned above, then there is no harm on SH., in marrying the mentioned N., even if it is proven that H., breastfed F. This is because the mentioned SH., is considered the son of the maternal aunt of N. Thus, if breastfeeding is proven and one marries the biological or foster daughter of one's maternal aunt, then there is no harm in this according to the texts of the Book and the Sunnah as well as the Ijma` (consensus). This was stated and dictated by the one who is in need for the mercy of his Lord, Abdul-`Aziz ibn Abdullah ibn Baz. May Allah forgive him!

## 150- Rulings of breastfeeding is restricted to those who were wet nursed

**N.D came to inform me that his sister GH.S., breastfed his son G.N. He asked me to give him a Fatwa (legal opinion issued by a qualified Muslim scholar) on whether his other sons who did not breastfeed from his sister are permitted to marry her daughters' daughters?**

**A:** If the case is as the questioner mentioned, then there is no harm in his other sons marrying the daughters of his mentioned sister or her daughters' daughters. This is because the ruling of the aforementioned breastfeeding is restricted to the mentioned son who was breastfed by the mentioned woman on condition that he suckled from her five times or more while being less than two years old. The authentic Hadiths reported from the Prophet (peace be upon him) on breastfeeding prove this. The Fatwa was issued based on this command. This was stated and dictated by Abdul-`Aziz ibn Abdullah ibn Baz who is the humble servant of Allah (may He be Praised). May Allah forgive me!

## 151- Breastfeeding less than five times does not affect marrigeability

His Excellency and beloved father, Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz may Allah protect him!

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I wish to inform Your Eminence that A.A., came to us asking about a case of breastfeeding. We went to the suckling woman and asked her about this suckling and she said:

"I came in while the child was crying as his mother had laid him down. I told her that he needs be suckled but she said: 'I have no milk.' I took him and suckled him till he slept. I think I suckled him another time on the next day, but I am not sure about this." The question is: "Is the daughter of this woman marriageable for this man who has now proposed to her?" They hope that your Eminence will issue them the Fatwa (legal opinion issued by a qualified Muslim scholar) soon. May Allah reward you and prolong your life in obedience to Him!

Yours,

S. A. M.



As-salamu `alaikum warahmatullah wabarakatuh

Breastfeeding in this case does not affect marriageability. The breastfeeding that prohibits marriage must be five sucklings or more within the child's first two years. It was authentically reported in Sahih Muslim that `Aishah (may Allah be pleased with her) said: (It was revealed in the Qur'an that ten clear sucklings prohibit marriage then it was abrogated (and substituted) by five clear sucklings, and the Prophet (peace be upon him) died while it was so.) Also, the Prophet (peace be upon him) said: (There is no suckling over the age of two years.) May Allah guide us all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh

`Abdul-`Aziz ibn `Abdullah ibn Baz

General Chairman of the Departments of Scholarly Research,

Ifta', Daw`ah, and Guidance

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## 152- Issue on breastfeeding

**Q: I am a twenty-four years old man. When I asked for my cousin's hand in marriage, I was surprised to know that I am her uncle through breastfeeding. My elder sister was breastfed with the girl's father and my mother breastfed him along with my sister. Is it permissible for me to marry this girl? I hope you will reply promptly, for I am very confused, may Allah reward you with the best!**

**A:** If it is proven that your mother breastfed the girls' father five times in the first two years of his life, you are considered his foster brother, and a paternal uncle to his daughter through breastfeeding. Thus, it is not permissible for you to marry her. Allah (Glorified and Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your foster mothers who gave you suck, your foster milk suckling sisters﴿ The Prophet (peace be upon him) stated: ﴾"Breastfeeding relations forbid (with regard to marriage)

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what blood relations do."﴿ (Agreed upon by Al-Bukhari and Muslim) In this Ayah (Qur'anic verse), Allah (Glorified be He) defined that a paternal uncle by blood relations is a Mahram (spouse or unmarriageable relative) to his niece. Similarly; the paternal uncle by breastfeeding is considered a Mahram to his niece, according to the mentioned Hadith and the Ijma' (consensus) of scholars. Allah is the One Who grants success.

## 153- Breastfeeding outside of the first two years does not take effect

Praise is due to Allah and peace and blessings be upon Allah's Messenger and upon his family, Companions and those who followed his guidance.

Scholars have disagreed concerning adult breastfeeding and whether it affects marriageability or not. The point of difference is that this ruling is reported in the authentic Hadith on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) ordered Sahlah bint Suhayl to suckle Salim the freed bondsman of Abu Hudhayfah and he was adult. Salim was a freed bondsman but when he grew old she asked the Prophet (peace be upon him) to find a way out for her.

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The Prophet (peace be upon him) ordered her to suckle him five times. Scholars are in disagreement about this, but the more correct of the two opinions of scholars is that this ruling is confined to Salim and Sahlah bint Suhayl and not for the general Muslim community. This is the viewpoint adopted by most of the Prophet's wives and a large number of scholars. This is also the soundest opinion as it is supported by the Prophet's saying: ﴿The only breastfeeding that affects marriageability is that which satisfies (i.e., fully satiates) the stomach and takes place before weaning.﴾ And: ﴿Foster suckling relationship is established only when breastfeeding is the main food of the child.﴾ (Related by Al-Bukhari and Muslim in their Sahihs) The Prophet (peace be upon him) also said: ﴿There is no suckling over the age of two years﴾ These Hadiths indicate that breastfeeding is restricted to the first two years and any suckling thereafter has no effect. This is the soundest opinion. May Allah grant us success!

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## 154- The ruling on breastfeeding an adult

**H.E. Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah protect and guard him! As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) You know the Hadith of Salim, the Mawla (freed bondsman) of Abu Hudhayfah (may Allah be pleased with them). Um Hudhayfah brought him up, so he considered her his mother. When the Ayah (Qur'anic verse) that prescribes Hijab (veil) was revealed, it was too difficult for Salim, Abu Hudhayfah and Um Hudhayfah to apply it. They mentioned this to the Messenger of Allah (peace be upon him), so he asked Salim to drink the milk of Um Hudhayfah so as to become her foster son. The Hadith is recorded in the Sahih (authentic) Book of Muslim.**

**I reviewed the scholars' opinions on this issue in "Zad Al-Ma`ad" and I concluded that they are divided into three groups; some consider that this Hadith is confined in application to Salim only; some think that it is of general application and is equally applied to Salim and others; and some maintain that the Hadith is general and applies to Salim and anyone else, provided that his case is like that of Salim and Um Hudhayfah, which is the opinion adopted by the Shaykh Al-Islam Ibn Taymiyyah (may Allah be merciful with him).**

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**Dear Shaykh, I was brought up by a woman who is a non-Mahram (not a spouse or an unmarriageable relative). It was difficult for her to wear Hijab in front of me, so I wanted to apply the opinion of the Shaykh Al-Islam in the case of Salim, but some of her relatives objected to this and asked for a Fatwa (legal opinion issued by a qualified Muslim scholar) in this issue. Please advise, may Allah reward you!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

We consider that the Hadith of Salim, the Mawla of Abu Hudhayfah is particular to Salim only, which is the opinion of the Jumhur (dominant majority of scholars), according to the authenticity of Hadiths stating that breastfeeding is only in the two first years. This is our opinion in the Fatwa. May Allah guide everyone to what pleases Him! As-salamu `alaikum warahmatullah wabarakatuh.

**Grand Mufty of the Kingdom of Saudi Arabia**

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

## 155- Issue on breastfeeding

**His Eminence, Shaykh** `Abdul-`Aziz ibn Baz

May Allah protect him!

**As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I am in need of a Fatwa (legal opinion issued by a qualified Muslim scholar) as my sister breastfed my maternal uncle's daughter twice, one in the morning and the other in evening. Then, my maternal uncle married me his daughter after taking her consent. Is it permissible to marry this girl? As-salamu `alaikum warahmatullah wabarakatuh.** Wa `alaikum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

**A:** If the case is as mentioned, the referred to girl does not become unlawful in marriage to you by these two times of breastfeeding. This is because breastfeeding does not affect marriageability unless it is five sucklings or more during the child's first two years. May Allah grant us all success! As-salamu `alaikum warahmatullah wabarakatuh.

**The general Mufty of the Kingdom of Saudi Arabia**

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

## 156- Clarification of breastfeeding that affects marriageability

**Q: My mother told me that I was breastfed for one time only by a woman whose daughter I desire to marry. Is this permissible to marry her?**

**A:** Breastfeeding that affects marriageability must be five times or more within a child's first two years. If it is less than this, marriage is not prohibited according to the statement of the Prophet (peace be upon him) to Sahlah bint Suhayl: ﴾Breastfeed Salim five times so that you become a Mahram (unmarriageable relative) for him.﴿ It was also authentically reported from `Aishah (may Allah be pleased with her) that she said: ﴾It was revealed in the Qur'an that ten full times of breastfeeding prohibit marriage, then it was abrogated by five times. When the Prophet (peace be upon him) died, it was still so.﴿ (Related by Muslim in his Sahih (authentic) Book of Hadith and Al-Tirmidhy in his Jami` with the same wording.) The Prophet (peace be upon him) also stated: ﴾There is no breastfeeding over the age of two years.﴿ May Allah grant us success!

## 157- When breast-feeding is forgotten, the matter should be referred to the court

**Q: I am an Egyptian citizen living in Saudi Arabia. I married my cousin who bore me three children. However, my father, my aunts, my paternal grandmother and grandfather informed me three months ago that I was breast-fed by my mother-in-law with her son, who is now dead, for a period of three months. My wife was two years old when I suckled from my aunt. Moreover, my father and relatives confirmed that my brother-in-law and I suckled from my aunt for three months. However, my aunt, who is already my wife's mother, said that she suckled me only twice. What should I do? I am totally confused.**

**A:** A: I advise you to bring the breastfeeding woman to the court in order to give testimony. The court will issue a Fatwa accordingly, in sha' Allah (If Allah wills,) or you may write to this court and I will review the matter, in sha' Allah. May Allah grant us all success!

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## 158- Issue on breastfeeding

**Your Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah protect you, the Kingdom's General Mufti (Islamic scholar qualified to issue legal opinions) and Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance,**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**Please find attached a copy of the final procedure to be applied to the Fatwa (legal opinion issued by a qualified Muslim scholar) on breastfeeding with regard to the question of B.D.S. May Allah guide you and grant you success to serve Islam and the Muslims! May Allah protect you! As-salamu `alaykum warahmatullah wabarakatuh!**

**Chief Justice of Tabuk**

Wa `alaykum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!)

Your letter states that

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Z., testified that she does not know whether she breastfed him five times or not. Accordingly, this uncertain number of breastfeeding is unreliable and ruling on breastfeeding does not come into effect. Thus, his wife is to remain in his `Ismah (the bond of marriage). It was narrated that (the Prophet (peace be upon him) ordered Suhaylah bint Sahl to breastfeed Salim, the freed bondsman of Abu Hudhayfah five times.) Thus, she became unlawful to him. `Aishah (may Allah be pleased with her) said: (It was revealed in the Qur'an that ten clear sucklings prohibit marriage then it was abrogated (and substituted) by five clear sucklings, and the Prophet (peace be upon him) died while it was so.) (Related by Muslim in his Sahih (authentic) book of Hadith and Al-Tirmidhy in his book "al-Jami`". The wording of this Hadith is that of Al-Tirmidhy) I hope that you will inform everyone of the issued Fatwa. May Allah reward you with the best and double your reward! As-salamu `alaykum warahmatullah wabarakatuh.

**The General Mufty of the Kingdom of Saudi Arabia**

## 159- Breastfeeding does not affect marriageability except by five sucklings during the first two years after birth

**Q: A woman suckled a six-days-old female baby twice in two days and in each time the baby drank till it was sated. We asked the woman whether the baby would stop to take a breath or to move from one breast to the other or for anything else. She replied saying that the girl was suckled to her satisfaction both times. However, the woman does not know whether the baby continued sucking or paused then resumed, for this happened seventy years ago. Does this breastfeeding render the girl in question unmarriageable to the sons of that wet nursing woman or not?**

**A:** If the case is in fact as Your Eminence explained, this breastfeeding does not prohibit this female from getting married to the sons of the wet nursing woman. This is because prohibition of marriage takes place by five times of suckling according to the well-known Hadith of `Aishah. There is another Hadith narrated by her as well that the Prophet (peace be upon him) stated: ﴾One suck or two do not make (marriage) unlawful.﴿



In another wording: ﴾Being suckled once or twice does not make marriage unlawful.﴿ (Related by Muslim in his Sahih) The woman had doubts about exceeding the two sucklings, but essentially this was not found. However, it is better for the sons of this woman to refrain from marrying this girl in accordance with the Prophet's saying: ﴾So he who guards himself against doubtful things keeps his faith and honor blameless...﴿ And: ﴾Vice is what rankles in your mind and that you disapprove of its being known to the people.﴿ And: ﴾Leave what causes you doubt and turn to what does not cause you doubt.﴿ Thereupon, you may bring the suitor and advise him to abandon the proposal and this will be better. May Allah guide your steps and bless your effort and protect you! As-salamu `alaykum warahmatullah wabarakatuh.

## 160- The manner of breastfeeding that forbids marriage

**Q: A man was breastfed by his paternal grandmother eight years after she reached menopause. Does this breastfeeding produce prohibition of marriage? Are his female cousins from his paternal aunt, who is half-sister of his father, forbidden also?**

**A:** If the grandmother breastfed him five times during the first two years of his life, this man is the milk-brother of her children and the children of his grandfather from the other woman. Thus, it is not permissible for him to marry the daughters of his half-aunt for he became their milk-uncle. It is to be noted that one breastfeeding is counted when the baby takes the breast. If he releases it and takes it, this is the second time and so on until they become five times. The Prophet (peace be upon him) stated, (Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.)

### 161- The limits of prohibition established by breastfeeding

**Q: A woman who has a baby-male breastfed a baby-girl and the mother of the baby-girl breastfed the baby-male, so whom among the siblings of the boy and girl are allowed to marry each other? Please, advise. May Allah reward you with the best!**

**A:** If a woman breastfeeds a child five distinct times of breastfeeding or more during the first two years, the infant becomes her milk-child and her husband becomes his milk-father. Thus, all the woman's children from the husband - or other husbands - become milk-siblings of the infant and the children of her husband i.e. milk-father, from her or other wives become milk-siblings also. The brothers of the milk-mother also become maternal milk-uncles and the brothers of the husband become paternal milk-uncles. Furthermore, the parents of the woman become grandparents of the infant and the parents of the husband, the owner of the milk, become its grandparent as well, according to the statement of Allah concerning the women prohibited to marry, Allah says: ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ The Prophet (peace be upon him) stated: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ He (peace be upon him) also said: ﴾There is no breastfeeding except



during the first two years.﴿ It is also authentically reported in Sahih (authentic book Hadith) Muslim (may Allah be merciful to him) that `Aishah (may Allah be pleased with her) said: ﴾It had been revealed in the Noble Qur'an that ten clear sucklings make marriage unlawful, then it was abrogated (and substituted) by "five clear times of suckling i.e. forbid marriage" and Allah's Messenger (peace be upon him) died while the latter rule was in force.﴿ Related by Al-Tirmidhy with this wording and the account is also found in Sahih Muslim.

## 162- Ruling on marrying the daughters of one's maternal aunt by nursing

**Q: I would like to inform Your Eminence that my mother was married to a man before my father. She gave birth to a boy. She breastfed this boy and her sister for about one week. After separating from the man, my mother got married my father. Is it permissible for us; the second husband's sons, to marry the daughters of our maternal aunt who suckled from our mother?**

**A:** It is not permissible for you to marry the daughters of your maternal aunt as she became your sister through breastfeeding.

## One cannot marry the foster sister by means of breastfeeding of one's divorcee till one's divorcee ends her `Iddah

**From Abdul-`Aziz ibn Abdullah ibn Baz to our dear brother, may Allah guide you to all goodness, Amen!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I received your letter dated 30/11/1389 A.H., may Allah guide you! You explained that you got married to a woman then divorced her. Now you wish to marry her foster sister while your divorcee is pregnant. You ask about the permissibility of marrying this woman.**

**A:** There is no harm in marrying her after your divorcee gives birth to her baby. Before this, it is not permissible for you to marry any of her biological or foster sisters because she is still in `Iddah (woman's prescribed waiting period after divorce or widowhood) till giving birth. May Allah guide us all to understand His religion well and remain firm on it! As-salamu `alaykum warahmatullah wabarakatuh.

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## 164 A question on nursing

**H.E. Shaykh `Abdul `Aziz ibn `Abdullah ibn Baz**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**My mother died when I was forty days old. Having three wives, my paternal grandfather gave one of them a camel to complete my breastfeeding and bring me up among her children. By doing so till her death, she became my mother and her sons became my brothers and uncles at the same time because they are the sons of my paternal grandfather. Later, I married a daughter of one of my paternal uncles -whose mother was not that woman whom I suckled from. She bore me a child. Suddenly, I heard from scholars that my wife is unlawful to me and that she is to be judged as the daughter of my brother though her father is not one of the sons of the woman who breast-fed me but a son of another woman of my paternal grandfather's wives. Upon knowing the fatwa of scholars, I ceased to approach her and turned to Allah and then sought your help. So please give me a fatwa that I may act accordingly. If she is unlawful to me, does she have rights on me? Should we separate through divorce or without divorce? Should I offer**

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**expiation? Please, advise me. Again, the breastfeeding is firmly proven, because I am an orphan who was brought up by the wife of my paternal grandfather in return for a young camel as her hire for this. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

If the case is in fact as you mentioned, then all your paternal uncles - whether they are the sons of the woman or of others - are your milk-brothers. Accordingly, your wife is considered the daughter of your milk-brother and thus your marriage is null and void. You are not obliged to offer expiation or anything as long as you ceased to approach her upon knowing the ruling on suckling. Regarding your son, it is a legitimate son that belongs to you, because she was your wife before knowing the ruling on suckling. You should record a document in court that she can rely on if her guardian wants to give her in marriage. She is obliged to observe `Iddah (woman's prescribed waiting period after divorce or widowhood) for three menstrual periods beginning from the time you ceased to approach her. May Allah guide us all to understand His Din (religion) well and to be firm on it. He is the Most Generous. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**`Abdul `Aziz ibn `Abdullah ibn Baz**

## 165- Raising a child without breastfeeding does not produce the prohibition of marriage

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to his honorable brother H.A.H.K., may Allah protect him!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**In reference to your Fatwa request registered under number (513) on 5/2/1407 A.H. in the Department of Scholarly Research and Ifta', in which you inquire about a number of issues.**

As for the girl who was raised by your father, she is not a Mahram (unmarriageable relative) to you; you may not kiss her and she should wear Hijab (veil) in front of you, unless she was breastfed by your mother, your step-mother, or one of your sisters five times or more in her first two years. Similarly, if you were breastfed by her mother five times or more or both you and she were breastfed by another woman five times or more. Thus, she becomes your milk-sister; you may shake hands and you become her Mahram in other than marriage contract.

## 166- A question on nursing

**Q: Dear Shaykh, what is the ruling on a woman who raised her brother-in-law after the death of his mother. She did not suckle him but just raised him. Now, he is grown up and calls her Mother. Is she prohibited to him and can she dress casually before him. Taking into consideration that most people know that he is her son and only few who know that he is her brother-in-law? Could you kindly advise? May Allah reward you with the best!**

**A:** When a woman raises an Ajnaby (a man lawful for the woman to marry) boy such as her brother-in-law, her cousin or others, he will not be prohibited to her by raising up. It is obligatory for her to screen herself before him when he becomes adult. It is not permissible for her to be in private with him because of the general proofs of Shari`ah. May Allah grant us success!

## 167- Limits of dealing with milk-siblings

**Q: What are the limits of dealing with milk-siblings? Is it permissible for my milk-brother to travel with his milk-sister or to stay with her in the same house or kiss her as he kisses his blood sister? Please, explain. What are the restrictions that should be observed between milk-siblings?**

**A:** Nursing is similar to blood-relation, as the Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴿ So, his milk-sister is like his relative sister. It is permissible for him to be in privacy with her, travel with her, shake hands and even kiss her but not on the mouth. He may kiss her on the head or on the cheek as Al-Siddiq used to do with his daughter `Aishah. To conclude, he is as equal as her blood-relatives because of the Prophet's statement: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful.﴿ However, suckling is not equal to blood-relations in terms of establishing the ties of kinship.



Establishing the ties of kinship is for relatives only but milk-relationships are equal only in marriage and Khulwah (being alone with a member of the opposite sex), not in spending or maintaining the ties of kinship because of the Prophet's statement: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful.﴿

## 168- The prohibition produced by breastfeeding is confined to the breastfed child

**Q: There are two sisters; each has a number of children. The first breastfed her niece many times till she was sated and the second breastfed her nephew till he was sated up. How does this breastfeeding affect marriage between these maternal cousins?**

**A:** Breastfeeding affects the breastfed baby only, not its siblings. It becomes a milk-child of the woman, who breastfed him, and of her husband. He also becomes a milk-brother of her male and female children. However, the blood siblings of the child, who are not breastfed by her, do not become her children as she only breastfed their brother. The Prophet (peace be upon him) stated: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴿ The breastfeeding that results in the prohibition of marriage should be five or more during the first two years, as the Prophet (peace be upon him) said: ﴾"No breastfeeding (creates the relationship of Mahram: unmarriageable relatives), except that which is in the (first) two years (of infancy)."﴿ The Prophet (peace be upon him) also said: ﴾"Breastfeeding relationship is only established

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when milk is the only food (of the child)."﴿ It is narrated that `Aishah (may Allah be pleased with her) said: ﴾It was revealed in the Qur'an that ten clear times of suckling prohibit marriage then it was abrogated (and substituted) by five clear times of suckling, and the Prophet (peace be upon him) died while it was so.﴿ (Related by Muslim in his Sahih (authentic) Book of Hadith and by Al-Tirmidhy in his Al-Jami` and this is Al-Tirmidhy's wording) May Allah grant us success!

## 169- The effect of breastfeeding is restricted to the breastfed child

**Q: F was breastfed with M from his mother. F has an elder sister, is M her Mahram (an unmarriageable relative)? If not, can M marry her? Please, advise. May Allah reward you with the best!**

**A:** The breastfeeding mentioned in the question affects only F, if he breastfed five full times or more during his first two years from the mother of M, so it becomes a milk-brother to her male and female children. As for F's blood siblings, they are not affected by this breastfeeding and are not siblings of M. It is permissible for M to marry the sister of F, as long as there is no other breastfeeding or relation that prohibits this marriage. May Allah grant us success!

## 170- If a baby girl is breastfed from a mother, all the mother's children become her Mahrams

**Q: I suckled from a woman along with her younger son and she has an elder son. Some people say that it is lawful for me to shake hands with this woman's younger son, but not with her elder son. What is the ruling?**

**A:** It is permissible for you to shake hands with all children of this woman, for they are all your milk-brothers as their mother becomes your milk-mother if you were breastfed five or more times in your first two years. May Allah guide us all to what pleases Him!

**Chairman of**

**the Departments of Scholarly Research, Ifta', Da`wah, and Guidance**

## 171- This breastfeeding does not prohibit marriage

**His Eminence General Mufty of the Kingdom of Saudi Arabia and the Chairman of the Council of Senior Scholars and the Departments of Scholarly Research and Ifta',** `Abdul-`Aziz ibn Baz, **may Allah safeguard you!**

**My father has three wives and many sons and daughters, including my brother `A.H. I want to marry two of my sons to two of my brother's daughters, but my brother's wife breastfed two of my brothers. Does this breastfeeding prevent marriage or not? May Allah reward you with the best!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) This breastfeeding does not prevent you from giving your two sons in marriage to the daughters of their uncle A.H. May Allah grants us success! As-salamu `alaikum warahmatullah wabarakatuh

General Mufty of the Kingdom of Saudi Arabia

`Abdul `Aziz ibn `Abdullah ibn Baz

## 172- Ruling on breastfeeding for fun and play

**His Eminence Shaykh `Abdul-`Aziz ibn Baz, may Allah safeguard and support you!**

**As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**We were asked by Al-Sha`f Center to answer a question concerning breastfeeding. It reads as follows:**

**1- A man suckled from his wife jokingly. Then he was told that this is not permissible.**

**2- A woman breastfed herself to force her husband to divorce her.**

**I would like Your Eminence to answer this question with a written Fatwa (legal opinion issued by a qualified Muslim scholar) so that everyone will benefit from it. May Allah reward you with the best!**

As-salamu `alaikum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

This breastfeeding does not affect marriage and none of the rulings of breastfeeding takes effect; rather, it is just nonsense that should not be practiced. The breastfeeding that brings about the prohibition of marriage and rulings of breastfeeding is that which a person receives during the first two years before weaning.



The Prophet (peace be upon him) stated: ("Effective breastfeeding only takes place during the first two years of lactation.") May Allah grant us all success! As-salamu `alaykum warahmatullah wabarakatuh

**General Mufty of the Kingdom**

## 173- The fiancée's sister breastfeeding from the sister of the would-be husband does not prohibit the marriage

**Q: I am a twenty-one year old young man. I decided to marry a girl and after the engagement, I got to know that my elder sister breastfed me along with the elder brother and sister of my fiancée. Is it permissible for me to marry this girl?**

**A:** If the case is as you mentioned, there is nothing wrong with marrying this girl, for your sister's breastfeeding the brother and sister of your fiancée does not render her a Mahram (an unmarriageable relative) to you. May Allah grant you success!

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## 174- A breast-fed baby is not regarded as a milk-son to the other wife who did not breastfeed him

**Q: Your Eminence, As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) I have a question that**

**my brother is married to two women; his first wife suckled my youngest brother along with her son more than five times, is my youngest brother regarded as a milk-son of the other wife of my husband, who did not suckle him? Should she veil herself from him, as he is now fourteen years old? In addition, when my younger brother grows old and marries, is it allowable for our elder brother, who became a father to our youngest brother, to see the wife of his brother (and son) unveiled? May Allah reward you with the best!**

**A:** As-salamu `alaykum warahmatullah wabarakatuh

According to what you mentioned, the breast-fed brother becomes a milk-son to the woman who suckled him and her husband but not to the other wife. However, he is regarded as a Mahram (unmarriageable relative) to her due to her being a wife of his milk-father.

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The Prophet (peace be upon him) said, (Milk relationships are equal to blood relationships in rendering marriage unlawful (i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.)) May Allah guide all to what pleases him! As-salamu `alaykum warahmatullah wabarakatuh

**General Mufty of Kingdom of Saudi Arabia**

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

## 175- A doubtful number of breastfeeding does not prevent marriage

**Q: I married my cousin last year. The problem is that my milk-mother who breastfed me with her elder son testified that she breastfed my wife with her son as well, but she did not tell us about the number of times of breastfeeding. What should I do? A:** Your wife is not prohibited for you unless the woman who breastfed you testifies that she breastfed her five times or more

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during her first two years. In addition, she must be a trustworthy person. We recommend that you bring her in front of a judge so that he questions her and listens to her testimony. May Allah grant success all success!

## 176- Your brothers may get married to your milk-sisters

**Q: I am a young man who was breastfed with the eldest of my female maternal cousins. The concerned cousin is now married. Is it permissible for me or for any of my brothers to get married to any of the sisters of this cousin?**

**A:** If the wife of your maternal uncle breastfed you (the questioner) five times or more during the first two years of your life, all your female maternal cousins are considered your (breastfeeding) sisters and it is not permissible for you to get married to any of them. However, it is permissible for your brothers, who were not breastfed by the wife of your maternal uncle to get married to your female maternal cousins provided that the latter were not breastfed by the mother of your brothers, the wife of your father, or your sisters. To sum up, it is permissible for



your brothers to get married to their female maternal cousins provided that there is no breastfeeding between the two sides that prevents so. It is thus known now that you (the questioner) were breastfed by the wife of your maternal uncle is something that affects your own marriage but not your brothers' marriage of your female maternal cousins. May Allah grant us success!

## 177- It is not permissible for a man to marry a woman who was breastfed from his milk-mother

**Q: I want to marry a girl, but there is a problem, which I wish to known the Shar`y (Islamically lawful) ruling on; I breastfed from a certain woman during her breastfeeding of her son and the girl whom I want to marry was also breastfed by the same woman during the period of breastfeeding of another daughter. It is noteworthy that I was not breastfed with any of this girl's sisters, and she was not breastfed by my mother. Is it permissible for me to marry her?**

**A:** If you were breastfed by so and so for instance and that girl was breastfed by the same woman with another boy or girl; she becomes your milk-sister even if she is older or younger than you, so long as the number of breastfeeding was five or more during the first two years.

## 178- Ruling on a woman who got married to a man while she was suckled by his mother along with his younger brother

**Q: I am a young woman and I married my cousin about four years ago. We asked one of the scholars in our country before I got married whether I am allowed to marry my cousin or not, as I was breast-fed by his mother along with his younger brother, who is close to me in age. My husband is fifty years older than me and his brother. I remember that the scholar said to me, "You are lawful to him," so we married. Then, two years later, there was a scientific symposium on TV of Morocco and the scholars stated the prohibition of marriage due to suckling. We were embarrassed by this. We hope that you will clarify this for us and whether our marriage is lawful or not? Am I only regarded as a milk-sister to the one with whom I was suckled?**

**A:** If you were breast-fed five times or more from your mother-in-law while you were in your first two years of age, you are regarded as a milk-sister to your husband even if



you were suckled with his younger brother according to the agreement of all Muslim scholars. The person who gave you a Fatwa that you are allowed to marry your present husband made a great mistake and gave Fatwa without knowledge. Mentioning the women prohibited to marry, Allah (Exalted be He) says in Surah-Al-Nisa': ﴾Forbidden to you (for marriage) are: your mothers, your daughters, your sisters﴿ until He said, ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is recorded in the Two Sahih (authentic) Books of Hadith (Al-Bukhari and Muslim) on the authority of `Aishah and Ibn `Abbas (may Allah be pleased with them) that the Prophet (peace be upon him) said, ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful (i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.)﴿

There are many other Hadiths in this regard. May Allah help us all understand His religion and adhere to it!

## 179- A question on breast-feeding

**Q: My father is married to a woman other than my mother and she bore him children. My maternal aunt suckled me and my brethren and she has male and female children. The question is: Is it permissible for my paternal brothers to sit and talk with my milk-cousin without Hijab (head cover to the waist)? It is worth mentioning that my paternal-brothers did not suckle from my maternal aunt. Are my cousins considered milk-brethren to all of us?**

**A:** It is not permissible for your paternal brothers, who did not suckle from your maternal aunt to consider themselves prohibited to marry your cousins, because they did not suckle from her. Those who are prohibited to your cousins are those who suckled from your maternal aunt five times of suckling or more during the first two years of breastfeeding, because the Prophet (may Allah's Peace and Blessings be upon him) says: ﴾Effective breastfeeding only takes place during the first two years of lactation.﴿ It is also authentically reported from `Aishah (may Allah be pleased with her) that she said: ﴾It was revealed in the Qur'an that ten clear times of suckling prohibit marriage then it was abrogated (and substituted) by five clear times of suckling,



and the Prophet (peace be upon him) died while it was so.﴿ (Related by Muslim in his Sahih (authentic) Book of Hadith and by Al-Tirmidhy in his Al-Jami` and this is Al-Tirmidhy's wording)

The Prophet (may Allah's Peace and Blessings be upon him) also says: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ (Agreed upon by Al-Bukhari and Muslim).

## 180- Breastfeeding belongs to both spouses, not only the woman

**A: A child was raised in his uncle's house and was breastfed by his uncle's wife. Later, his uncle married a second wife and had a daughter. Is it permissible for that boy to marry his cousin from his uncle's second wife when he grows up?**

**A:** If the mentioned boy was breastfed by his uncle's wife five times or more during his first two years, he is considered his uncle's milk-son and all his uncle's children, whether boys or girls, are considered his milk-siblings.

Thus, it is unlawful for him to marry the mentioned daughter,

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because she is his milk-sister, if the reality is as you have mentioned. Allah (Glorified be He) says in the Qur'an about the women prohibited in marriage, ﴿, your foster mother who gave you suck, your foster milk suckling sisters,﴾

The Prophet (peace be upon him) also said, ﴿Milk relationships are equal to blood relationships in rendering marriage unlawful (i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships).﴾ (Agreed upon by Imams Al-Bukhari and Muslim).

## 181- The daughter of your cousin who was breastfed with your sister is unlawful to you

**Q: My paternal cousin, who was breastfed with my elder sister, has a daughter. Is it permissible for me to marry her? Will her father be my brother, thus she becomes unlawful for me?**

**A:** If the reality is as mentioned by the questioner; the mentioned cousin was breastfed by the mother of the questioner five times or more during the first two years of their life, it becomes unlawful for the questioner to marry the daughter of his cousin, for in this case, he will be her paternal milk-uncle. It is authentically reported that the Messenger of Allah (peace be upon him)

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said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ He (peace be upon him) also said: ﴾Effective breastfeeding only takes place during the first two years of lactation.﴿ `Aishah (may Allah be pleased with her) also said: ﴾It was revealed in the Qur'an that ten clear times of suckling prohibit marriage then it was abrogated (and substituted) by five clear times of suckling, and the Prophet (peace be upon him) died while it was so.﴿ (Related by Muslim in his Sahih (authentic) Book of Hadith and by Al-Tirmidhy in his Al-Jami` and this is Al-Tirmidhy's wording). May Allah grant us success!

## 182- If you are breastfed by a woman, she becomes your milk-mother and her husband becomes your milk-father

**Q: A woman breastfed me with her first daughter, who then died, and the mother gave birth to another daughter. Is it permissible for me to marry this daughter? Please advise, may Allah reward you with the best!**

**A:** If this woman breastfed you five times or more during your first two years, she becomes your milk-mother, her husband is your milk-father,

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and their daughters are your milk-sisters. So, it is impermissible for you to marry any of their daughter, according to Allah's saying (Glorified be He) in Surah Al-Nisa' when He mentions the unmarriageable relatives, ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ The Prophet (peace be upon him) also said, ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is authentically reported that `Aishah (may Allah be pleased with her) said, ﴾It was revealed in the Qur'an that ten clear times of suckling prohibit marriage then it was abrogated (and substituted) by five clear times of suckling, and the Prophet (peace be upon him) died while the latter rule is so.﴿ (Related by Muslim in his Sahih (authentic) Book of Hadith and by Al-Tirmidhy in his Al-Jami` and this is Al-Tirmidhy's wording). There are other Hadiths in this regard.

If the breastfeeding took place less than five times or you were more than two years old, it does not affect the permissibility of marriage; this woman is not considered your milk-mother, her husband is not your milk-father, and her daughters are not unmarriageable to you according to the most authentic opinion of scholars, based on the mentioned Hadith and others, including the saying of the Prophet (peace be upon him), ﴾Effective breastfeeding is only that which takes place during the first two years of lactation.﴿ The Prophet (peace be upon him) also said, ﴾Being breastfed once or twice does not prohibit marriage.﴿ There are other Hadiths mentioned by scholars. May Allah grant us success!

## 183- The paternal aunts of your milk-sisters are unlawful for you to marry

**Q: I have milk-sisters who have paternal aunts. Are the paternal aunts of my milk-sisters considered my paternal aunts or not? Are they unlawful for me just as my biological paternal aunts? Please, advise. May Allah benefit you!**

**A:** If you are their milk-brother by means of the father or both parents, then their maternal aunts are your maternal aunts because they are the sisters of your milk-father. Thus, it is not permissible for you to marry them as they take the same ruling as your biological paternal aunts, because the Prophet (peace be upon him) said: (Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.) However, if they are the paternal aunts of your milk-sisters, whose father is not your milk-father; they suckled from a woman from whom you did not suckle, they are non-Mahrams to you and then you may marry any of them, because they are not your paternal aunts but they are the paternal aunts of your sisters, because they are the milk-sisters of their father who is not yours. May Allah grant us success!

### 184 - Defining the women prohibited to marry owing to breastfeeding

**Q: The two babies breast-fed by the same woman are prohibited to marry one another. Yet does suckling make marriage unlawful among all the biological siblings of these milk-siblings? Please, explain this to us. May Allah reward you with the best!**

**A:** If a person was breast-fed by a woman five or more times of breast-feeding during the first two years of their life, then it is unlawful for the child to marry the milk-mother, her mothers (by familial relation or by suckling), her sisters, her paternal aunts, her maternal aunts, the daughters of her sons, her daughters, whether they are from one or more husbands. The Prophet (peace be upon him) says: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴿

As for the brothers who did not breastfeed from the mother that suckled the child, they are allowed to marry the daughters of this very woman. That is because she is not their milk-mother; she only breastfed their brother alone. On the other hand, it is not unlawful for the sons of this woman to marry the sisters of the child that she breastfed, because they are neither her daughters nor the sisters of her sons, because she did not breastfeed these girls. All what we mentioned is clear from the words of the Prophet (peace be upon him) ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴿ (Agreed upon by Imams Al-Bukhari and Muslim) May Allah grant us success!

## 185 - All the children of your milk-mother even of different husbands are your milk-siblings

**Q: A woman breastfed me with one of her sons. Later her husband died and after completing the `Iddah (woman's prescribed waiting period after divorce or widowhood), she married another man to whom she begot sons. Are her sons from the latter husband considered to be my brothers?**

**A:** If the reality is as you mentioned in the question and you were breast-fed by her five or more times of breast-feedings during the first two years of life, then her children from the first husband are your siblings from both your milk-parents, while her children from the second husband are your siblings from your milk-mother only, because Allah (may He be Praised) mentioned women who are unlawful to be married in Surah Al-Nisa' saying: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ Then Allah said: ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ The Prophet (Peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ (Agreed upon by Imams Al-Bukhari and Muslim).

## 186- A baby girl who suckled from your mother will be a sister to you and to all your brothers

**Q: I have a paternal cousin whom I wish to marry but it became clear to me that she suckled with my younger brother. She suckled more than five times and he did too. What is the ruling in this case? Is she lawful to me or not?**

**A:** If the mentioned girl suckled from your mother five times or more during her first two years, she will be a sister to you as well as your full brethren but if your mother marries another man other than your father, she will be your maternal milk-sister and a sister to all your mother's children from all husbands she marries, because of Allah's saying regarding the females forbidden to marry, inSurah Al-Nisa': ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ The Prophet (may Allah's Peace and Blessings be upon him) also says: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ (Agreed upon by Al-Bukhari and Muslim)

## 187- Ruling on a person who was breast-fed by a virgin

**Q: My wife was suckled by my maternal aunt for a period of two years and my aunt was a virgin and unmarried at that time. Then, the aunt got married and gave birth to ten children. Is this maternal aunt regarded as a milk-mother to my wife? If yes, should my wife wear the veil in front of her maternal aunt's sons while she is her milk-mother? Should the daughters of this aunt wear the veil in front of the brothers of my wife or not?**

**A:** Praise is due to Allah, peace and mercy be upon Allah's Messenger and upon his family, companions and those who follow his guidance! If your aunt had breast milk and she suckled your wife, she will be regarded as her mother even if she was not married as long as breast-feeding took place within your wife's first two years and was five times or more. If this was ok, the referred to aunt is regarded as your wife's mother and your wife is a milk-sister to all sons and girls of your maternal aunt.

## 188- The death of the breastfed daughter ends the prohibition of marriage

**Q: The wife of my brother breastfed my daughter, who passed away. Later, my brother and I had other children. Is it permissible for them to marry each other?**

**A:** The ruling on breastfeeding is not valid any more as long as your daughter passed away. Thus, it is permissible for your children to marry their cousins, if their mother did not breastfeed them.

## 189- You are a milk father of your brother who breastfed from your wife

**Q: My wife breastfed my stepbrother for a whole year. Is it permissible for me to shake hands with his wife?**

**A:** In the Name of Allah and Praise be to Him! If your wife breastfed him five times or more during the first two years of his life, he is your half-brother and, at the same time, your milk-son. Thus, his wife becomes one of your unmarriageable relative and it is permissible for you to shake hands with her, for she is considered your daughter-in-law.

## 190- The children of your milk-father from his second wife who did not breastfeed you are your milk-siblings

**Q: I was breastfed by a woman whose husband took another wife and bore children, are they my siblings?**

**A:** If the breastfeeding was five times or more and the milk belonged to her husband who was the father of her children, they are your milk-siblings. As for his other children from the second wife, they are also your siblings through him.

Every time a baby holds the breast and sucks milk until the milk reaches the infant's abdomen, whether it happens on one or several days, and then leaves it to take a breath or to suck the other breast, this is counted as one time of suckling until five times of suckling are counted. This is on the condition that it takes place during the first two years of life according to the saying of the Prophet (peace be upon him): ﴿Effective breastfeeding only takes place during the first two years of lactation.﴾ He (peace be upon him) also said to Sahlah bint Sohayl : ﴿Breastfeed Salim five times, you will become unlawful i.e. unmarriageable, to him.﴾



It is also authentically reported in Sahih Muslim and Al-Tirmidhy on the authority of `Aishah (may Allah be pleased with her) that she said: ﴿It had been revealed in the Noble Qur'an that ten clear times of suckling make marriage unlawful, then it was abrogated (and substituted) by "five clear times of suckling i.e. forbid marriage" and Allah's Messenger (peace be upon him) died while the latter rule was in force.﴾ This is the wordings reported by Al-Tirmidhy. May Allah grant all people success to do what pleases Him.

## 191- Being breastfed by one's grandmother

**Q: My son was breast-fed by his maternal grandmother and of course this rendered him a milk-brother for his biological maternal aunts and maternal uncles. Now, is it permissible for him to marry from the daughters of his biological maternal aunts or from the daughters of his biological maternal uncles?**

**A:** If the baby in question was suckled by his maternal grandmother five times or more while he was in the first two years of his life, then this will render him a milk-brother to his biological maternal uncles and aunts as well as a paternal uncle to the children of his biological maternal uncles and aunts. It is not permissible for him to marry from the daughters of his biological maternal uncles and aunts, because he is their paternal milk-uncle. May Allah grant us success!

## 192- A baby who breastfed with the sister of your wife is a maternal uncle to your sons and daughters

**Q: I have a wife who begot me eight daughters. Fifteen years later her mother begot her a sister that she breastfed along with another baby who accordingly became her milk-brother. Now my problem is that my daughters say that this person is their maternal milk-uncle. They unveil before him and reject my command not to do so. Please advise, may Allah reward you with the best!**

**A:** If the mentioned man was breast-fed by your mother-in-law or by another wife of your father-in-law while she was in his `Ismah (married to him) five or more times of breast-feeding while this man was in the first two years of life, then this man becomes the milk- maternal uncle of your daughters. It is permissible for your daughters to unveil faces before him and sit alone with him, just as they can do with any of the other Mahrams because the Prophet (peace be upon him) said: (Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.) (Agreed upon by Imams Al-Bukhari and Muslim). This is, however, conditional upon the absence of any suspicion that may prevent from being alone with any of them.

## The milk-father of your brother is not your Mahram

**Q: My eldest sister breast-fed her youngest sister and my son also was breast-fed by her. Is it permissible for the father of my son (i.e. my husband) to be a Mahram for both my youngest and eldest sisters and thus they can unveil before him? Please, advise. May Allah reward you with the best!**

**A:** It is not permissible for your youngest sister or your eldest one to unveil before your husband on the pretext that your son was breast-fed by your eldest sister. Rather, it is the husband of your sister who breast-fed your son with her milk who is to be his milk-father and a Mahram for the wife of this son, because she will be the wife of his milk-son on the condition that the times of breast-feeding were five times or more within the first two years of the baby's life, because the Prophet (peace be upon him) said: (Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.) (Agreed upon by Imams Al-Bukhari and Muslim).

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## Chapter on supporting relatives financially

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### 194- Ruling on A woman taking from her husband's money without his permission

**Q: My husband does not give me or my children money to spend. Sometimes, we take from his money without his knowledge. Are we sinners by doing so?**

**A:** It is permissible for the wife to take from the money of her husband without the latter's knowledge what customarily suffices her and her underage children without either exaggeration or wastefulness if he does not give her what suffices her. This is based on the Hadith recorded in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) that `Aishah (may Allah be pleased with her) said: ﴾ Hind bint `Utbah (may Allah be pleased with her) said: 'O Messenger of Allah, Abu Sufyan does not give me enough money to satisfy me and my children's needs.' He (Peace be upon him) said to her: 'Take from his property what may customarily suffice you and your children.'﴿ May Allah grant us success!

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## 195- If a father abstains from supporting his children financially, a mother can sustain them from their father's wealth without his knowledge.

**Q: If a father abstains from supporting his child financially, can the mother give him out of the money she gives for Zakah (obligatory charity) or not? May Allah grant you success!**

**A:** It is obligatory for the father to support his child financially if the latter has no other means and cannot afford to support himself. If the husband abstains from this, then the wife has the right to support her children out of their father's money, even without his knowledge: ﴿Hind bint `Utbah said: 'O Messenger of Allah, Abu Sufyan is a miser; he does not give me enough money that suffices me and my children. Am I sinning if I take from his money without his knowledge?' The Prophet (peace be upon him) said: 'There is no harm in that. You can take what suffices you and your children in a reasonable way.'﴾

If the father is a miser, then his wife can take out of his money without his knowledge what suffices her and her children. As for the son who is able enough

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to work or has money that suffices him, then he should support himself out of his own money and his father is not obliged to support him. Regarding the poor son who has no means, it is obligatory for his father to support him. The mother of this son has the right to support him out of his father's money if the latter is a miser, even without his knowing about it.

## 196- It is permissible to customarily take out of the money of a miserly father

**Q: Is it permissible for the children to take out of the money of their father without his knowledge?**

**A:** It is permissible for the children to take out of the money of their father without his knowledge only what they customarily need if he is too miserly to give them this and on the condition that they are unable to support themselves out of their own money and they are not duly supported. The Prophet (peace be upon him) said to Hind bint `Utbah, the wife of Abu Sufyan ibn Harb (may Allah be pleased with both of them) when she complained to him (peace be upon him) saying: ❪ Abu Sufyan does not give me enough money to sustain myself and my children, so I take from his money without his knowledge.❫ The Prophet



(peace be upon him) said to her: ❪Take from his property what may customarily suffice you and your children.❫ (Agreed upon by Imams Al-Bukhari and Muslim). "Customarily" here means the amount of money spent on their likes according to the custom, without exaggeration or wastefulness.

## 197- A wife does not have the right to object to her husband receiving money from his sons

**Q: I have a relative who has been afflicted with some chronic diseases and he cannot work. Out of his sons there are four working and helping their father in his living costs. Yet his wife says to him that he has no right to take anything from his sons and that it is obligatory for her husband to support her financially. She leaves the house without her husband's permission and behaves as she likes. Once before, she demanded to be divorced and said to her husband "he is as unlawful to her as his mother is unlawful to him".**

**A:** It is obligatory for the mentioned wife to hear and obey

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her husband in what is right. She has the right to leave the home only after his permission as long as he observes her duties, regarding Nafaqah (obligatory financial support) and clothing. She does not have the right to object on the money he gets from his children. Regarding deeming him unlawful to her, she has to offer Kaffarah (expiation) for breaking an oath for so doing and has to repent to Allah (Glorified be He). The Kaffarah for breaking an oath is feeding ten poor people or clothing them. Each of them should have half a Sa` (1 Sa` = 2.172 kg) from the foodstuffs of your area as dates, rice or other things or a garment that suffices him to offer Salah (Prayer). Regarding her demand to be divorced, this should be subjected to examination by the court. What the court decides is sufficient In sha'a-Allah (if Allah wills). May Allah grant us all success to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

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## Chapter on Custody

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### 198- The Most Deserving Person to Have Custody

**Q: If the person entitled to the custody of a child -in order of precedence- dies, can the person following them undertake all responsibilities of custody?**

**The answer:** Yes, if the person entitled to the custody of a child, in order of precedence, dies or loses one of the conditions of deserving custody, then the person following them in order of precedence of deserving the custody of a child has the right to take their place and undertake all their responsibilities in this regard. This was stated by some jurists in the book of "Al-Sharh Al-Kabir" chapter: If the father is dead or loses one of the conditions required for deserving the custody of a child, where there exits in his place some of his `Asabat (agnate heirs), such as his brother, uncle and cousin, then such Agnate stands in place of the father and the judge should give him the choice between this agnate and the mother of the child because Imam `Aly (may Allah be pleased with him) gave `Imarah Al-Kharmay the choice between his mother and paternal uncle who is his agnate and most entitled to take the role of his father. On the other hand, if the mother is dead or loses one of the conditions required for deserving the custody of a child and thus his custody is transferred to his (maternal) grandmother, then the child should be given the choice between her and his father or anyone who stands for him out of his agnates. If both parents are dead or lose one of the conditions required for deserving the custody of a child and thus his custody is transferred to a woman, such as his sister, paternal aunt or maternal aunt who will stand for

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his mother, then the child is to be given the choice between this woman and his agnates since he could not be given to one of his parents. The same was stated in the two books of "Sharh Al-Iqna`" and "Al-Muntaha". May Allah be merciful with all of the scholars!

## 199- Ruling on forcing a girl of full legal age to live or travel with one of her Mahrams

**Q: If some of those entitled to have the child's custody such as the paternal uncle wanted their adult unmarried female to travel with them leaving her blood-relative Mahrams but she refused, is she to be compelled to do so?**

**A:** If the girl is of full legal age, then it is permissible for her to stay in the house of whoever she wants among her Mahrams (unmarriageable relatives). She is not obliged to travel with her paternal uncle or any other Mahram unless she desires to do so because she is an adult of full legal age. Accordingly, it is up to her to take a decision in this regard. This is clear through what is stated by many of the Fuqaha' (Muslim jurists) (may Allah be merciful with them). Fuqaha' have disagreed only regarding the underage females. And Allah knows best.

## 200- The ruling on disposing of orphans money

**Q: If a person has an orphan relative who has money, where the man undertakes the affairs of the orphan, is it permissible for the man to make use of the orphan's money, knowing that the capital of the orphan is preserved and will return to him?**

**A:** Allah (Glorified and Exalted be He) has ordered to work honestly in the property or money of orphans and has forbidden anyone to approach their property or money, except to increase them. Allah (Exalted be He) says: ﴾And they ask you concerning orphans. Say: "The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers. And Allâh knows him who means mischief (e.g. to swallow their property) from him who means good (e.g. to save their property).﴿ Allah (Exalted be He) says: ﴾And come not near to the orphan's property, except to improve it, until he (or she) attains the age of full strength﴿ The guardian of an orphan should abide by these two Ayahs i.e., to improve their money and endeavor to preserve, increase and multiply it, either through employing it in trade or through entrusting it to some trustworthy person to employ it in trade in return for a specific part of the profit such as half or what is customarily agreed upon in the country of transaction. Donating all the profits to the orphan is much better and preferable. As for the guardian of the orphan making use of the property of the orphan to the benefit of the guardian, to fulfill his needs,



to develop his trade, etc., it appears that this is not permissible because this is neither out of working honestly in the property of the orphans nor out of approaching their property to improve it. Yet if the guardian borrows the property of the orphan with the aim to preserve it against corruption, theft, etc., and because he cannot find a trustworthy merchant to improve the property of the orphan, in such a case this is considered to be out of preserving and working honestly in the property of the orphan. If the guardian is rich, then there is no danger on the orphan's property remaining in his charge. In conclusion, it is obligatory for the guardian of an orphan to do what is best for the orphan. It is Allah (Exalted be He) Who knows a person who means mischief (i.e., to devour their property) from a person who means good (i.e., to save their property). One's retribution will be according to one's work, i.e., they will be rewarded for their good deeds or punished for their evil deeds. May Allah guide us to what pleases Him!

## 201 - Custody of children pertains to the tribunal

**Q: I divorced my wife and we have a daughter and a son. I took the boy while the girl lives with her (mother). When can I take the children?**

**A:** This issue is within the jurisdiction of courts. What is decided by the family court is sufficient In sha'a-Allah (if Allah wills). May Allah grant us all success!

## 202- The Custody of an Orphan

**Q: There is an orphan whom we take care of and preserve. Since he has paternal uncles, he receives money from them as well as from benevolent people. We support him financially out of this money, knowing that what he receives is much more than what we spend on him but we consider him as one of our children. Please, advise us in this regard, may Allah reward you with what is best!**

**A:** There is no harm in your taking what is paid for him out of the money of charity provided that it is equal to or less than what you spend on him. Regarding what exceeds that, you should preserve it for him. You will attain great reward for your custody and benevolence for him.

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## Book of Crimes

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### 203- The basic rule is being discharged of responsiblity

**Q: A woman slept beside her baby and when she woke up, she found her dead. What is due upon her?**

**The answer:** If she is not sure that it is she who caused her death, then there is no sin on her since the original ruling is being discharged of responsibility. It is not permissible to be accused unless there is a doubtless evidence. If she is certain that it is she who caused her death, then she is obliged to offer ransom and expiation because this is an accidental killing. The obligatory expiation for this is emancipating a believing slave. And whosoever finds this (the penance of freeing a slave) beyond their means, they must fast for two consecutive months. Regarding feeding the poor, this has nothing to do with the expiation for killing.

## 204- Kaffarah (expiation) and Diyah (blood money) are due on the person who kills another unintentionally

**Q: The child of my wife died while he was playing with his brothers. A car driver steered the car backwards and crushed him. My wife asks me to inquire and ask the Shaykh whether she is considered a sinner?**

**A:** There is no sin on her, rather it is the sin of the person who crushed him.

## 205- Ruling on a mother who was the cause of killing her embryo

**Q: Praise be to Allah, I have a number of sons and daughters. Later, I conceived but it was not my wish because I am responsible for a large house in addition to rearing the cattle, where there is no one helping me. I wanted to abort it. I pressed my abdomen against the wall. Five months of pregnancy, I aborted the embryo. After examining it, it became clear to me that it never had life, it was all a dead flesh where a little part of the skull was created, knowing that I never felt it moving within my abdomen during pregnancy. Now I want to ask you, O Shaykh, may Allah preserve you, what is the Fatwa (legal opinion issued by a qualified Muslim scholar) on this? May Allah reward you with the best for your efforts! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**A:** Wa `alaykum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you too!). If the case is as you have mentioned, then all what you have to do is to repent to Allah (Glorified be He) and feel regret. May Allah grant us all success! As-salamu `alaykum warahmatullah wabarakatuh.

## 206- Ruling on she who drank something that caused the abortion of her embryo

**Q: During her fifth month of pregnancy, my wife suffered a backache. One of her relatives advised her to drink vinegar to remove the pain. Yet upon drinking vinegar, the embryo was aborted immediately. Is there a sin on my wife? If there is, what is the ruling on this? Or does the sin lie on the person who prescribed her this prescription?**

**A:** Specialized physicians are to be asked about this matter. If they see that drinking vinegar results in aborting the embryo, then this takes the ruling of unintentional killing. Accordingly, she is obliged to offer Diyah (blood money) and a Kaffarah (expiation). She is mistaken in taking this prescription without consulting a trustworthy physician. If the specialized physicians decide that this drink has no harmful effect, then there is nothing due on her because this is Allah's Destiny without being the cause for that.

## 207- The Inviolability of the Blood and Property of a Muslim

**Q: The questioner hopes to have the following Hadith explained: Allah's Messenger (peace be upon him) said: ❨I have been commanded to fight against people until they testify that there is none worthy of worship (in truth) but Allah, that Muhammad is the messenger of Allah, to establish prayer, and pay Zakah** If they do that, their blood and property are guaranteed protection on my behalf except when justified by law, and their affairs rest with Allah.❩

**A:** This is a Sahih (authentic) Hadith narrated by Al-Bukhari and Muslim in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) on the authority of Ibn `Umar (may Allah be pleased with them both) who said: I heard the Prophet (peace be upon him) saying: ❨I have been commanded to fight against people until they testify that there is no God but Allah, and that Muhammad is the Messenger of Allah, perform the prayers, and pay Zakah. If they do that, their blood and property are guaranteed protection on my behalf except when justified by law, and their affairs rest with Allah.❩

The Hadith must be understood in the context of its literal meaning. Therefore, anyone who pronounces Shahadah (Testimony of Faith), performs Salah (Prayer) and pays Zakah (obligatory charity) is considered a Muslim.



Their blood may not be lawfully shed unless they commit an act punishable by Islam. For example, if they commit Zina (premarital sexual intercourse and/or adultery), they will suffer its prescibed punishment. In the case of an unmarried person, the punishment is eighty lashes and being exiled. If the person is married, the punishment is stoning to death. Thus, whoever pronounces Shahadah is required to fulfill the obligations of Islam but will also be guaranteed protection for their life and property. They maintain this right of protection unless they commit an act that nullifies their Islam, or an act which requires a prescribed punishment. In another Hadith narrated by Abu Hurayrah (may Allah be pleased with him) the Prophet (peace be upon him) stated: ❨I have been ordered to fight against the people until they testify that none has the right to be worshipped but Allah, so if they say it, then they save their lives and property from me except legally, and then their reckoning (accounts) will be done by Allah.❩

The two Hadiths stress one and the same meaning, that is, whoever believes in the Oneness of Allah and prophethood of Muhammad (peace be upon him) is considered a Muslim. In this case, they are required to fulfill the duties ordained by Islam such as performing Salah, paying Zakah, fasting the month of Ramadan, performing Hajj and other rites. They become true practicing Muslims if they fulfill these obligations, otherwise they will be forced to fulfill them or suffer the punishment prescribed for abandoning them. Carrying out these prescribed duties is incumbent on every one who embraces Islam. Should they fail to do so , they will suffer the punishments prescribed by Islam.

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## 208- Kaffarah for premeditated murder

Your Eminence Sheikh `Abdul-`Aziz ibn Baz,

may Allah preserve you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I put forward this question to your Eminence hoping from Allah that you will answer me, may Allah preserve you! My question is as follows:

**More than hundred years ago, my father was alive. It happened that some Bedouin killed the son of his paternal uncle. Then my father was the partner of the brother of the deceased in following the murderer and my father killed him. While on his deathbed more than sixty years ago, my father acknowledged this fact to me and my siblings. He willed his sons to give one hundred French Riyals to emancipate a Muslim slave on his behalf. Yet my siblings disputed this matter. I do not know whether they gave this sum to charity or not. Later, one of them argued that the sum was not enough to emancipate a Muslim slave. I hope from Allah then you to guide me to acquit my father, may Allah protect and guard you!**

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**A:** As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

If the case is as mentioned in the question, then the mentioned murder is considered to be a premeditated murder, where it cannot be expiated by releasing a Muslim slave, which is the case with involuntary manslaughter or semi-intentional manslaughter. If you opine to emancipate a Muslim slave out of charity on your part, then this bears a great reward for both you and your father. We recommend that you supplicate for your father and to give charity on his behalf because the crime is grave. May Allah pardon him and all Muslims! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**`Abdul-`Aziz ibn `Abdullah ibn Baz**

**The General Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance**

## 209- Quasi-Deliberate Homicide

**Q: My mother asked me not to cook a certain kind of herb. She told me it could kill her, as she could not tolerate its smell, even though these herbs are lawful to use. After my mother and I had these herbs for dinner,**



**she died a few hours later. Am I considered a sinner? Have I caused her death? Please advise, may Allah reward you!**

**A:** If the situation is as you mentioned, you have committed a sin, as this is considered being undutiful to her. Since you knew that your mother would be hurt by these herbs, and she asked you not to cook them, you are a sinner; you have committed a crime, you have been undutiful to your mother, and you must pay Diyah (blood money). This is considered quasi-deliberate homicide. You also have to offer a Kaffarah (expiation), which is emancipating a believing bondsman. If you cannot do this, you can observe Sawm (fast) for two consecutive months and perform Tawbah (repentance to Allah). May Allah accept your Tawbah and ours, and guide us to all that is good!

## 210- The basic ruling on the crimes committed by a Mukallaf (person meeting the conditions to be held legally accountable for their actions)

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our dear honorable brother, his Eminence Sheikh A.N.`, may Allah guide you to all good, amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**O beloved brother, I have received your noble letter No. 920/2/1 dated 7/11/1389 A.H., may Allah guide you! I knew what it included regarding informing me that there are many crimes being committed in your area and that in some of these crimes the guardians of the dead person claim that this is a deliberate murder and demand Al-Qisas (the Law of Equality in punishment). Yet the defendant denies the killing to have occurred deliberately though acknowledging that he killed the murdered person unintentionally. You also mentioned that there is no evidence either refuting or proving this and that some of the heirs give up their right to Al-Qisas (the Law of Equality in punishment) and claim to receive the Diyah (blood money), which means that he will be exempted from Al-Qisas (the Law of Equality in punishment) even if he is proved to have committed premeditated murder. On the other hand, the rest of the heirs demand to receive the Diyah (blood money) of premeditated murder or else the murderer swears that he did not kill him deliberately. You wanted to know whether they have the right to do so.**

**The answer:** It is well known to you that the basic ruling on the crimes committed by a Mukallaf (person meeting the conditions to be held legally accountable for their actions) is that he did this intentionally. If he claims other than that,



then he is obliged to present the evidence proving the truth of his claim. If we allow this for every criminal claiming to have committed his crime unintentionally, this will result in much evil and wide corruption. Thus it should be clear to your Eminence that this matter is to be decided by the heirs of the deceased unless the criminal presents evidence proving the truth of his claim or unless there are circumstantial evidences in his favor. On the other hand, if some of the heirs give up their rights, then he will be exempted from Al-Qisas (the Law of Equality in punishment) as stated by your Eminence and as stated by scholars. In this case the heirs will have the right to receive the Diyah (blood money) of premeditated murder unless the murderer proves that the killing occurred unintentionally, or unless there are circumstantial evidence proving this, or unless the Mukallaf people (people meeting the conditions to be held legally accountable for their actions) among the heirs accept the oath given by the murderer that killing was unintentional and was not premeditated. The correct opinion in such a case is that the murderer has the right to swear because this is a human right. The defendant must swear if this is demanded by the plaintiff based on the general meaning of the Hadith of Ibn `Abbas (may Allah be pleased with both of them): ("Were people to be given according to their claims, some people would claim the blood and properties of men....") This is my opinion on

this issue. Since I was very busy and the question implied some complications, my reply was delayed. However referring to some important references, I could not find what may remove these complications. If you could find anything that could remove the complications, please notify me. I ask Allah to help us all to understand His religion and to make us all steadfast in adhering to it, for He is Most Generous, Most Kind. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

## 211- The Kaffarah due on the murder of your wife depends on how you dealt with your car

**Q: Allah willed me to have a car accident. I was driving my car and my family were with me and my wife died because of this accident, where I broke my bones badly. Please give me your Fatwa (legal opinion issued by a qualified Muslim scholar) whether I have to offer Kaffarah (expiation), observe fasting, give charity, or other than that because of the death of my wife in this accident?**

**A:** If you were not careless during your driving, and if you equipped your car with the necessary requirements, i.e., if the accident happened while your car was in normal condition and while you were in good health, then there is nothing on you because there is no proof that you caused the accident. If the accident resulted from any of what we have mentioned, then it is obligatory for you to offer Kaffarah (expiation) and it is freeing a believing slave and if you can not find one, you must fast two successive months because Allah (Glorified and Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿



to His saying: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ Feeding (the poor) is not sufficient in this regard. May Allah grant us success! May Allah's peace and blessings be upon our master Muhammad, his family and Companions!

## 212- Expiations can not be distributed among Individuals

**Q: A car crash between two cares took place. In one car there were two people, one of whom died. According to the report issued by the police and traffic, the driver of the first car was 30% responsible, and the driver of the other car was 70% responsible. With regard to the Kaffarah (expiation), should the driver of the first car fast for two consecutive months or for a time proportionate to the degree to which he is to blame, as is the case with Diyah (blood money)?**

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**A:** If two or more people are jointly responsible for the involuntary manslaughter of someone, then each of them has to offer expiation independently, because expiations cannot be distributed among individuals, as scholars have stated.

## A Question about involuntary manslaughter

**Q: A mother had a two-year-old son. A car of one the boy's relatives accidentally ran over him when he went out in the street. Is there any sin on his mother to be expiated, knowing that she suffers a lot due to this accident?**

**A:** If the case is as you have mentioned in the question, then there is no sin on the part of the mother, rather the Diyah (blood money) and Kaffarah expiation are due on the person who ran over the child. May Allah compensate them with good and alleviate their catastrophe. Truly! To Allah we belong and truly, to Him we shall return.

## 214- The ruling on a person who causes his own death in a car crash

**Q: When my father was driving a car, he crashed into another car and the driver of the other car died, may Allah be merciful with him! The police confirmed that the accident was entirely the fault of the deceased and the family of the deceased agreed to forgo the Diyah (blood money), may Allah reward them with what is good. My question now is: Does my father have to offer the expiation of fasting for two consecutive months or not?**

**A:** If the situation is as you describe, then your father does not have to offer any expiation because he is not to blame and he cannot be described as a killer. Allah is the One who grants success.

## 215- A question on involuntary manslaughter

To his Eminence the honorable sheikh

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**O, your Eminence sheikh, I had a car accident while driving with my family on**



**Monday 23/3/1415 A.H. on the road of Khamis Mishit while returning from Uhud Rufaydah. While driving along with my family, suddenly a car accident occurred between me and another person who was driving another car in the opposite direction. His car turned upside down into my direction. It went beyond the space between the two directions turning upside down to crash into my car. Later, this person died. After witnessing the accident, the traffic department decided that it was 100% the fault of the deceased. Both his family and I compromised according to Shari`ah. Should I observe fasting, knowing that I bear not the least responsibility in the occurrence of the accident? May Allah reward you with what is good!**

**A:** As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

If the case is as you have mentioned, then you are not obliged to offer Kaffarah (expiation). May Allah forgive us all! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**The general Mufti of the Kingdom of Saudi Arabia**

## 216- Explaining the blood money due on involuntary manslaughter and quasi-intentional killing

**Q: Having to offer Kaffarah (expiation) for involuntary manslaughter, a person willed to fast for two consecutive months. after fasting four days, it occurred to him to emancipate a believing slave. He did so and ceased fasting. Is there anything due on him in this regard? May Allah reward you with what is best!**

**A:** The Kaffarah (expiation) prescribed to be offered regarding involuntary manslaughter or quasi-intentional manslaughter is emancipating a believing slave; and whose finds this (the penance of freeing a slave) beyond his means, must fast for two consecutive months because Allah (Glorified and Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family﴿ to His (may He be Praised) saying: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

If he began fasting and then he could afford emancipating a believing slave and did so, then this suffices him and he does not have to complete fasting. May Allah grant us success!

## 217- What is meant by Tahriru Raqabah

**Q: Tahriru Raqabah (Emancipating a believing slave) has become a problematic matter for some people because they do not know its meaning, perhaps because they have not actually witnessed this. There is a Muslim brother asking about Tahriru Raqabah (Emancipating a believing slave), especially that we hear many expiations entailing Tahriru Raqabah (Emancipating a believing slave) without knowing what is meant by this? Does it refer to a person sentenced to death whom we can exempt? Or is it related to animals?**

**A:** Tahriru Raqabah (Emancipating a believing slave) refers to emancipating a bondservant, whether male or female. Allah (Glorified and Exalted be He) legislated for His Servants when fighting against and overcoming the enemies of Islam to take their offspring and women as slaves. Thus Muslims have the right to possess, employ, exploit, sell, and deal conclusively with them. The same applies to those Muslims take as captives in wars. The Muslim ruler has the choice: If he wills, he can kill the captives; if he wills, he can emancipate the captives, i.e., he can release them if he sees that public interest so requires; if he wills, he can deem them as slaves and spoils for Muslims; if he wills, he can kill them if he sees that public interest entails killing them; and if he wills, he can offer them as ransom if the disbelievers have Muslim captives, i.e., he can exchange them for the Muslim captives within the hand of the disbelievers; or he can take from them



money in return for releasing their captives. This was done by the Messenger (peace be upon him) with the captives he took on the battle of Badr, where he (peace be upon him) killed some of them and took a ransom for releasing some others. Out of those captives were Al-Nadr ibn Al-Harith and `Uqbbah ibn Abu Mu`it whom the Prophet killed after the battle was finished. Regarding the other captives, the Prophet took ransom for releasing them and commanded Muslims to do so i.e., to take ransom from the disbelievers in return for releasing the captives belonging to the latter. Some captives were pardoned by the Prophet (peace be upon him). It is permissible for the Muslim ruler either to pardon, kill, take the captives as slaves, or release them in return for ransom provided seeking public interest.

These are the bondservants to be owned by Muslims when overcoming their enemies. Then the owner of the bondservant has the right either to use him as a servant, to sell him and make use of his price, to set him free for the Sake of Allah (Glorified and Exalted be He) -which is a voluntary act-, to set him free as Kaffarah (expiation), such as Kaffarah (expiation) for killing or practicing sexual intercourse with one's wife during Ramadan, or the Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) or breaking an oath. The Prophet (peace be upon him) said: ﴾Whoever frees a Muslim slave, Allah will save all the parts of his body from the (Hell) Fire as he has freed the body-parts of the slave.﴿

## 218 - Questions on crimes and expiations

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable Muslim sister `.A., may Allah grant you success and increase your knowledge and faith, amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I have received your letter dated 7 / 4 / 1994 A.D. May Allah guide you! May Allah make us and you among His righteous Slaves and successful party! It pleased me that the books have reached you, praise be to Allah. The questions it included were known. Following are their answers:

**Q 1: There is a woman accompanying her patient daughter in the hospital. The daughter is inflicted with a serious disease. She has only half a lung, and the other half faded. Her legs are swollen and her eyes are closed. Her mother went to the courtyard of the hospital to fetch her clothes. When she came back after five minutes, she found that her daughter fell on the ground from above the bed to die ten minutes after falling. Now her mother asks: Is there a sin on me regarding her, or what should I do?**



**A:** There is no sin on the mother whose patient daughter died because she did not do anything that caused her death, and the basic principle is discharging of the responsibiltiy.

**Q 2: A woman killed a cat unintentionally; is she guilty for killing it? Does she have to pay Kaffarah (expiation)?**

**A:** This woman is not to be blamed if she killed the cat unintentionally. If she killed it intentionally without a reason, she has to repent to Allah. If she killed for it is harmful and there is no other way to avoid its harm except by killing it, there is no harm in that.

**Q 3: A woman was giving birth, but she could not find a midwife. A woman was asked to help her in childbirth, but this woman did not have any experience in that field. When the baby was born, she wrapped him up, given that this took place in the winter and the delivery took place at home. A week later, the doctor told them that the baby was ill and he died. This woman inquires whether she is guilty. What should she do?**

**A:** If the reality is as you mentioned, there is no guilt on the midwife because she did what she saw best when she warmed him, and the original ruling is discharging the responsibility.

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**Q 4: If a man hits a person with his car and kills him, does he have to pay Kaffarah (expiation)?**

**A:** If the person dies due to a high-speed driver or a driver who falls asleep during driving, etc., the driver has to pay both Kaffarah (expiation) and Diyah (blood money). However, the Diyah is to be paid by his family.

If the driver is not responsible for the accident, there is no charge on him. The same applies if a mount stumbles while two people are on its back and the one who is sitting behind the driver fell down and died, the driver is not responsible. If a dispute occurred between the driver and the heirs, they should refer to the court.

**Q 5: While a woman was giving birth, her husband went to fetch the midwife and left her alone at home. When he came back, he found that she had given birth and was looking at the baby, too afraid to carry him because the placenta was not expelled yet. Five minutes later, the baby died. Does she have to expiate for his death or not?**

**A:** If the reality is as you mentioned, there is no Kaffarah (expiation) on the mother, as she did nothing that might cause the baby's death.

**Q 6: What is the ruling on a woman who lays on her baby so he dies? Is she considered responsible for their death? What does she have to do?**

**A:** If laying on such baby was the reason for their death, it is Wajib (obligatory) on the concerned woman to make Kaffarah (expiation) and on her `Asabah (relatives to father's side) to pay Diyah (blood money). This is because Allah (Glorified be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**The General Mufty of the Kingdom of Saudi Arabia**

# Breaking the bones of the dead does not necessitate Qisas

**Q: Does breaking the bones of a dead person necessitate Qisas (just retaliation) ?**

**A:** It does not necessitate Qisas, as Qisas is applied to living people with certain conditions.

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## 220 Autopsy of a corpse

**Q: I have noticed that in the Faculty of Medicine in Cairo there is a room for autopy of corpses of men, women and children for scientific study. Is this religiously permissible out of necessity, particularly a man performing an autopsy on a woman's parts and a woman performing autopst on a man's parts? Is it permissible to cut the human organs?**

**A:** If the deceased is protected during his lifetime being a Muslim, Kafir (disbeliever/non-Muslim), man or woman, it is not permissible to dissect their bodies, for this entails harming and humiliating their sanctity. It was authentically reported that the Messenger of Allah (peace be upon him) said: ("Breaking the bone of the deceased is like breaking it when he was alive.") However, if they are not protected, such as the apostate or the non-Muslim warrior,

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I do not see anything wrong with dissecting their bodies for medical purposes. Allah (Glorified and Exalted be He) knows best! May Allah's Peace and Blessings be upon our Prophet Muhammad, his family and Companions!

**Chairman of the Islamic University**

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## Book of Diyah

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### 221- The prescribed order for involuntary manslaughter

His Eminence, Sheikh `Abdul-`Aziz ibn `Abdullah ibn Baz may Allah safeguard him!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**We hope that your Eminence will answer our question. It is about a woman who killed her daughter and died while she was poor and wrote a will to her daughter to perform the legal expiation on her behalf if she is able to do it. However, her daughter died without performing the expiation for she was poor but she made a will to her daughter to perform the expiation on her behalf if she is able to do it.**

**The last daughter asks whether anything is due on her bearing in mind that the deceased woman left no heirs, and the mother or the grandmother left nothing behind as well as that questioner does not know whether killing was premeditated or involuntary, but it appears that it was involuntary manslaughter and also she is poor. May Allah grant you success! As-salamu `alaykum warahmatullah wabarakatuh**

As-salamu `alaykum warahmatullah wabarakatuh

It is recommended for the referred to daughter to fast two months on behalf of her grandmother if the killing happened involuntary not premeditatedly. The Prophet (peace be upon him)

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said, (If anyone dies in a state (that he had to complete) some days of fast, his heir must fast on his behalf.) (Agreed upon by Al-Bukhari and Muslim) Also, it is authentically reported that (A woman said to him, "O Messenger of Allah! My mother died and there is due fasting of Ramadan on her; should I fast on her behalf? He (peace be upon him) said, "Observe fasting on behalf of your mother.") (Related by Ahmad with a good Isnad (chain of transmission)) If she can not fast, she is to feed sixty poor people, for every one half a Sa` (1 Sa` = 2.172 kg) from the staple food of the country such as dates and the like. This ruling applies only to the case if the killer is dead but if they are alive, they are to manumit a slave and if this is not possible, then, they are to fast two successive month and they are not allowed to feed the poor.

## 222- A Question relating to Diyah

From `Abdul `Aziz bin `Abdullah ibn Baz to the respected brother `A. `A. Q., may Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**I received your letter dated 19/02/1394 A. H. You mentioned in your letter that you had an accident that resulted in**

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**the death of a man. The Eminent Judge of Al-Thuqbah decided that you have to pay Diyah (blood money) and observe Sawm (Fast) for two consecutive months. The point is that you can not observe Sawm because you are a soldier and you reside and eat collectively with other soldiers. You asked me to give you a Fatwa (legal opinion issued by a qualified Muslim scholar) on this.**

**Answer:** Nothing may replace emancipation or Sawm (Fast) regarding the concerned Kaffarah (expiation). Rather, it is Wajib (obligatory) on you to set free a believing slave, if possible, or to observe Sawm. However, you may defer observing such Sawm until you are able to perform it. Feeding Faqir (poor) people has nothing to do with the Kaffarah of involuntary manslaughter. I ask Allah to facilitate your affairs, discharge your responsibility, and help us all to accomplish every goodness. Verily, Allah is the Best One to be asked. As-salamu `alaykum warahmatullah wabarakatuh.

**Note:** You mentioned in the beginning of your letter that reads: "... questioning Your Eminence about what Predestination decreed on me." Such a saying is wrong. This is because Predestination is not what decrees things on people. Rather, all affairs are referred to Allah Alone. You have thus to be aware that Allah is the Only One Who determines Predestinations. Accordingly, it is better to say on such occasions: "... about what Allah predestined on me."

## 223- The family of a mentally ill person do not have to make Kaffarah if the latter dies after missing the Sawm of some days of Ramadan

**Q: My mother was afflicted by Alzheimer's disease. We tried to treat her in vain. Such a disease thus continued for four years and my mother did not observe Sawm (Fast) of some days of Ramadan when she forgot that she was fasting and ate though she was physically fit to observe Sawm. One day, my mother went out without telling us. She was lost then she had an accident and died. We looked for her and discovered that she had died after a young man had hit her with his car and escaped. What do I have to do regarding the days of Ramadan that my mother missed? Besides, should we remit the Diyah (blood money) though the concerned young man is rich or should we take it then give it in Sadaqah (voluntary charity)?**

**A:** If your mother became mentally ill and unable to remember things accurately, she did not have to observe Sawm in Ramadan. Consequently, you do not have to make up the Sawm of the days that she missed (or to make Kaffarah (expiation)) on her behalf.



On the other hand, you should receive the Diyah for it is your Halal (lawful) inheritance. You are to dispose of the Diyah as you do with regard to all your other properties. You may thus spend it on your personal Mubah (permissible) needs or give it in Sadaqah.

**224- The ruling on a person who died as a result of the turning of their car upside down while they were chased by security authorities**

Dear Eminent Shaykh `Abdul-`Aziz ibn Baz, may Allah keep you safe!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**We are three people who work for the Department of Combating Drugs. While we, along with a group of our colleagues who work for police and traffic, were working in an inspection station on the southern road; a car that had two passengers came across. We asked the driver of this car to stop but he did not. Consequently, our boss ordered the three of us to chase the car. We chased the car for about fifty five kilometers. We were moving behind the concerned car and we were able to see it. We called the security authorities on the road to stop the car but the driver turned to another region called Turbah and drove in an asphalted road as well. We continued chasing**

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**the car but it turned upside down and the driver died immediately while the other passenger died after attempts at the hospital to rescue him. It is worth mentioning that our car did not hit the car of the deceased. On the other hand, the traffic report stated that the car turned upside down because of its turning away from the asphalt then returning to it. Another report said that alcohol was detected in the blood of the driver. The investigation ended a period ago and we were not determined responsible for it. Please give us, the concerned three security men, a Fatwa (legal opinion issued by a qualified Muslim scholar) as to whether we have to offer Kaffarah (expiation)? If so, is it one Kaffarah that has to be made by all of us or does each one of us have to offer an independent Kaffarah? As-salamu `alaykum warahmatullah wabarakatuh. May Allah keep you safe!**

**A:** As-salamu `alaykum warahmatullah wabarakatuh.

If the reality is exactly as you mentioned, you do not have to offer a Kaffarah. This is because you only did what you had to do for keeping security and safeguarding the public interest of Muslims. May Allah grant us all success! As-salamu `alaykum warahmatullah wabarakatuh.

**The General Mufty of the Kingdom of Saudi Arabia**

**and Chairman of Council of Senior Scholars and the Department of Scholarly Research and Ifta'**

## 225- A question on involuntary manslaughter

**Q: While I was driving my car I came across a car moving the wrong way. I sounded the horn and flashed for the driver to move aside but he didn't respond. I then realized that the driver was asleep so I had to move out of the way and consequently my car turned upside down and my father and cousin died. Do I have to offer a Kaffarah (expiation)?**

**A:** According to our purified Shar` (Islamic law), it appears to me that you do not have to offer any Kaffarah as long as you moved out of the way to save yourself and other passengers from the danger of the other car that was coming from the opposite direction; which is greater than the danger of moving out of the way. On the other hand, if other heirs claim that you are not to inherit from your father; this is to be decided by the court.

## 226- Whoever commits involuntary manslaughter has to both pay Diyah and offer a Kaffarah

**Q: I hit a passer-by with my car then the court in Kuwait judged that I only have to pay Diyah (blood money). Do I also have to observe Sawm (Fast) for two months or**



**may I give Sadaqah (voluntary charity)? Besides, is the concerned court considered responsible for the Fatwa it gave me? Am I discharged of responsibility or do I have to do anything else?**

**A:** You have to both pay Diyah and offer Kaffarah (expiation). It is the duty of the court to clarify this for you and if it does not, it is considered neglectful and mistaken. However, if the court neglects to give you an accurate decision or forgets some part of it; you should not be careless. You have to pay Diyah and offer a Kaffarah as long as you were part of this person's involuntary manslaughter.

## 227- A person is responsible to offer the Kaffarah whenever they can

His Eminence Shaykh `Abdul-`Aziz ibn Baz the General Mufty (Islamic scholar qualified to issue legal opinions) of the Kingdom of Saudi Arabia, may Allah keep you safe!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**One day I went to perform Fajr (Dawn) Prayer in Bayt Allah Al-Haram (the Sacred Mosque in Makkah). After finishing the Salah (Prayer), I headed to my car but I discovered that it moved backward and caused the death of a man and a woman. One Shaykh thus decided that I have either to observe Sawm (Fast) for four months or to emancipate two (believing) slaves. Nevertheless, I am diabetic, may Allah protect you**

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**from such a serious illness, and when I observe Sawm I feel I am extremely hungry, dizzy, and my body trembles and thus I break my Sawm. In such cases, when I do not break my Sawm I go into coma because of the extreme hunger. On the other hand, I have retired from my military office and I receive a salary of one thousand and five hundred riyals which do not suffice the needs of my big, twelve member, family. Moreover, I am indebted of a sum of three hundred and sixty thousand riyals that I spent on housing my family.**

**I hope that Your Eminence will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on the foregoing. I am so confused because I can neither observe Sawm nor emancipate the two slaves. Please guide me. May Allah keep and safeguard you!**

**A:** As-salamu `alaykum warahmatullah wabarakatuh.

Allah (Glorified and Exalted be He) says: ﴾So keep your duty to Allâh and fear Him as much as you can﴿ He (Glorified be He) also says: ﴾Allâh burdens not a person beyond his scope.﴿ Accordingly, the Kaffarah in your case is to be considered a debt

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that you are responsible to pay whenever you are able to emancipate a slave or observe Sawm. May Allah facilitate your affairs and help you to pay back your debts. As-salamu `alaykum warahmatullah wabarakatuh.

**The General Mufty of the Kingdom of Saudi Arabia**

**and Chairman of the Council of Senior Scholars and Departments of Scholarly Research and Ifta'**

## 228- Sequence of the Kaffarah for involuntary manslaughter

**Q: I am a young man who had an accident that resulted in the death of a person (may Allah be merciful to him). It is worth mentioning that the extent of my mistake in the related accident was 50%. As I can not observe Sawm (Fast), what do I have to do in expiation? May Allah reward you with the best!**

**A:** A person who commits involuntary manslaughter has to offer Kaffarah (expiation), since Allah (Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ So, if you are 50% mistaken, then you have committed involuntary manslaughter and thus you have to offer a Kaffarah. Such a Kaffarah is to emancipate a believing slave or, in case of inability to do so, to observe Sawm for sixty consecutive days, whether you start from the beginning or the end of the month. However, whoever is not able to do any of the foregoing, will remain accountable for it until the offering of either emancipation or

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Sawm. Again, if it is not possible to emancipate a free believing slave, then the Kaffarah remain obligatory until either form of expiation becomes available.

## 229- Feeding (poor persons) is insufficient as Kaffarah of involuntary manslaughter

Dear Eminent Mufty

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**It was the Predestination of Allah (Exalted be He) that while I was driving my car after `Eid-ul-Adha (the Festival of the Sacrifice) prayer, a young boy suddenly popped up in my way and I hit him with the right side of my car. This accident resulted in the death of the concerned boy and my responsibility for the accident was 30%, while the boy's was 70%. Then, the boy's father remitted the Diyah (blood money). My question is that as I can not observe Sawm (Fast) for two consecutive months, what do I have to do? Do I have to feed (poor Muslims) or observe the concerned Sawm despite my bad health condition? As-salamu `alaykum warahmatullah wabarakatuh.**

**A:** A: Wa `alaykum as-salam warahmatullah wabarakatuh.

You have to observe Sawm of two consecutive months whenever you are able to do so. As for feeding (poor Muslims), it is not sufficient as a Kaffarah (expiation) for involuntary manslaughter. As-salamu `alaykum warahmatullah wabarakatuh.

**Mufty of the Kingdom of Saudi Arabia**

`Abdul `Aziz bin `Abdullah ibn Baz

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## 230- Issue on the Kaffarah of involuntary manslaughter

**Q: A brother from Riyadh asks: "A person's car and my car hit each other in the last month of Rajab 1418 A.H. This accident resulted in the death of my mother (may Allah be merciful with her) only a little time after she reached the hospital. The traffic authority determined that responsibility for the accident was 75% the person who hit my car and 25% mine as I was driving fast. My siblings and I remitted the Diyah (blood money) for seeking reward from Allah (Glorified be He). I would like to ask:**

**1- Do I have to observe Sawm (Fast) of two consecutive months as my mother died while she was travelling in my car? It may be worth mentioning that I am forty six years old, a diabetic, and it will be difficult for me to do so.**

**2- If I have to observe such Sawm, do I have to start at the beginning of the month or is it permissible that I start observing Sawm during its middle or on any other day then I complete the two months?**

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May Allah reward and keep you!

**A:** Both you and the other person (who had the accident with you) have to make the Kaffarah (expiation) of involuntary manslaughter. Such a Kaffarah is to emancipate a believing slave or, if any of you is unable to do so, to observe Sawm of two consecutive months. However, it is sufficient to observe Sawm for sixty consecutive days whether you start from the beginning or the middle of the month. May Allah grant us success!

## 231- Issue on the Kaffarah of involuntary manslaughter

Dear Eminent Shaykh `Abdul `Aziz bin `Abdullah ibn Baz, may Allah protect you! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**Q: While I was driving my car and four people were traveling in with me, I had an accident with another car. Consequently, one of the passengers who accompanied me died. The family of the deceased remitted the Diyah (blood money) bearing in mind that the traffic authority determined that the accident was a result of a joint mistake between the drivers of the two cars.**

**My question is do I have to observe Sawm (Fast) for two consecutive months as a Kaffarah (expiation) for involuntary manslaughter? It may be worth mentioning that I am a policeman and I work with the special emergency forces. My work is very hard. I have to work for two full months without taking any days off.**

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**We do a military exercise every morning so I can not observe Sawm for two months. Give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on this please. May Allah keep and protect you!**

**A:** As-salamu `alaykum warahmatullah wabarakatuh.

If the concerned accident was caused by your joint mistake as you mentioned in the question, you both have to offer Kaffarah. Such a Kaffarah is to emancipate a believing slave or, in case of your inability to do so, to observe Sawm for two consecutive months, i.e., sixty days. If you can not observe Sawm, Kaffarah will remain as an obligation upon you that should be offered whenever you are able to do so either by emancipating a believing slave or observing Sawm. May Allah facilitate your affairs and discharge your responsibility! As-salamu `alaykum warahmatullah wabarakatuh.

**Mufty of the Kingdom of Saudi Arabia**

**and Chairman of Council of Senior Scholars**

## 232- The ruling on a woman who slept and left her baby crying a lot until she died

**Q: I have a young baby whom her mother put in bed and went to check on the other children. She sat with them until they slept and she slept too. When she woke up, she found that the baby**

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**cried a lot and the effects of crying appeared on her to the extent that she went into hospital for a few days then passed away.**

**The question is: Is there a Kaffarah (penance) on the mother? And if there is a Kaffarah, what is it, may Allah reward you?**

**A:** If the reality is as the questioner mentioned, there is nothing due to the mother because she is not the cause of death. May Allah grant us success!

## 233 - Taking precautionary measures in

## case of doubt out of eagerness to maintain exoneration

**Q: Thirty years ago, my mother was working in a farm. One night, after a long toiling workday, she went to bed. She fell asleep while she was breastfeeding her three-month-old baby, and in the early morning, she found that her baby had died. She has never known the reason of the baby's death; whether she turned over the baby during sleep, or lent against her while the nipple was in her mouth! So, what should the mother do?**

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**A:** As a precaution, she should observe Sawm (fast) for sixty consecutive days because it seems that the baby died because of the mother, unless she knows another reason for that. One of the Shar`y rules is to take precautions when there is doubt in order to maintain exoneration before Allah and His servants. May Allah help her observe the fast of these days.

## 234- Issue on involuntary manslaughter

**Q: I am asking about an incident that took place with me a year and half ago; I loved my father very much. Yet, some discord occurred between me and him but in spite of what happened we continue to love each other but this disagreement left me in continuous contention with him. One day, he fell ill and was admitted to the hospital and when he left the hospital doctors told my mother that he should not be informed of any problems for he could not bear any strokes and this may have a bad effect on him and he may die. My mother did not inform us of this. Three months later, a problem took place between me and him which disturbed him and he was befallen with a stroke on the same day due to this as well as other problems. He was admitted to the hospital and died after that. I want to know, am I the cause of this and what should I do according to Shari`ah (Islamic Law)?**



**A:** There is no blame on you for you did not intend to harm him and you had no knowledge of the problems that he was recommended not to go through. You are excused, in-sha'-Allah (if Allah wills), for problems occur recurrently and cannot be avoided. You are dealt with like any other person and you do not have to pay Fidyah (ransom) or Kaffarah (expiation). Problems happen normally between all people, even between a father and a son, a husband and his wife and among brothers.

## 235- If anyone avoids harm and nevertheless harm occurs, this is not negligence

**Q: I have a five year old child. One day, he and his mother were at our neighbors, then his mother left him with me at home. Then I went to work and informed his mother that the child is home alone. Meanwhile, he went to get some loafs of bread, but the stove overturned on him and he died. Should I or his mother offer Kaffarah (expiation) by observing Sawm (Fast) or anything else?**

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**A:** I hope that there is nothing on you because this is very common and happens a lot and is not due to negligence. This takes place much with the farmers who let boys go to swim in the pool and they may die there. This is so common, and you have nothing to do with it. You are excused, In sha'a-Allah (if Allah wills).

# 236- Issue on Diyahs

**Q: I have a five-month old baby. Once during night, his mother took him and went to sleep, then we found him dead in the morning. We do not know the reason behind his death; perhaps the mother is responsible for his death, as when she woke up she found him under her arms. What is the ruling on this?**

**A:** If she does not know why he died, there is nothing due on her. But if she slept on him or covered him with her breasts or a thick blanket, she should offer Diyah (blood money) and Kaffarah (expiation); the first should be paid by the paternal relatives of the killer and the latter should be observed by the mother.

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## 237- Ruling on thinking that reciting Surah Az-Zalzalah leads to miscarriage

**Q: There is a woman who suffers a psychological disorder and some people told her that anyone who suffers a severe disease should recite Surah (Qur'anic chapter) Al- Zalzalah over water and drink it and then they are either healed or die. She asked people to recite it for her and then she drank the water they recited over. After a period of time, she got pregnant and drank again from this water and the baby was born healthy. After weaning it, she got pregnant again and in her ninth month of pregnancy, she was stricken by the same illness so she drank from the water but she gave birth to a stillborn baby on the same day. After a period of time, she got pregnant again and her illness returned again, so she drank some of the same water. In the eighth month of her pregnancy, she gave birth to another stillborn baby. Afterwards, she got pregnant and in the seventh month she felt ill and drank from the water and gave birth to a live baby girl the following night. She heard that reciting Surah Az-Zalzalah on water and drinking it causes miscarriage if the water contains black cumin. She did not know about this, so should she be blamed for the children who died?**

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**A:** First, what some people say that Surah Az-Zalzalah either cures illnesses or causes death, and that it causes miscarriages has no basis in Shari`ah (Islamic law); in fact they are common false superstitions.

Second, the woman in question should not offer Fidyah (ransom) or Kaffarah (expiation), as what she did was not the cause of their death.

## 238- Issue on involuntary manslaughter

**Q: After breastfeeding a premature baby on his seventh day of life, the mother slept and in the morning found him dead. What should she do? Guide us, may Allah reward you well!**

**A:** If the reality is as what you mentioned in the question, there is nothing due on the mother for she did not cause his death. Allah is the one who grants success!

## 239- Anyone who commits involuntary manslaughter will be charged with the Diyah and Kaffarah until they can afford paying them

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable fellow, his Eminence Judge of Al-Bark Court, may Allah keep you safe.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

**This is an answer to your letter numbered (1058) dated 16/9/1407 A. H., and its attachments concerning the inquiry of A. E. M., about his paternal cousin who ran over his maternal nephew, leading to his death because of the collision .**

Please be informed that the man who caused the death of the child must offer a Kaffarah (expiation) of involuntary manslaughter; which is emancipating a believing slave, or - if this is not available - fasting for two consecutive months according to the Saying of Allah (Glorified be He), (It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.) to His Saying (Glorified be He): (And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.) However, if this person is unable to emancipate a slave or fast for two consecutive months, he will still be owing to do this until he becomes able to do so. Yet, If he dies without being able to fulfill it, it is permissible for his heirs



to emancipate or fast on his behalf, according to the saying of the Prophet (peace be upon him): (If anyone dies while owing Sawm (fast), their kindred should fast on their behalf) Agreed upon by Al-Bukhari and Muslim, being reported from `Aishah (may Allah be pleased with her).

May Allah guide everybody to do what pleases Him, and support you in that which is good. Assalamu `alaykum warahmatullah wabarakatuh.

**Chairman of the Departments of Scholarly Research,**

**Ifta', Da`wah, and Guidance**

## 240- Ruling on a woman doubting that she may be the cause of her child's death

**Q: The questioner says that she covered her baby who was forty days old due to coldness and when she returned to him she found him dead. She observed Sawm (Fast) for fifteen days but her husband asked a Shaykh who said to him that there is no blame on her. Therefore, she stopped observing Sawm. What is your opinion in this regard, may Allah reward you well!**

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**A:** If the shaykh you asked is a religious scholar such as a judge, his view is correct. If he is not known for knowledge, then the woman should be questioned about the way she covered her baby. If she overspread on him a heavy carpet without putting something that raises it from above the baby as people do, so that it pressed tightly on his face and caused the baby to die, she is regarded as a killer and is required, in this case, to free a believing slave and if this is not possible, she should observe Sawm for two consecutive months, i.e. sixty days. As for the fifteen days she fasted, they are not counted. However, if she covered him with something that warms him and took the required precautions, there is no blame on her.

## 241- Ruling on a person who breaks the Sawm of the two successive months

**Q: I have observed the Kaffarah (expiation) of Sawm (Fast) of two consecutive months, all praise be to Allah. However, I had a break for two days between the two months then I continued my Sawm. Again I broke Sawm, due to my illness, for three days which I made up for them after I recovered. Some people told me that I have**

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**to repeat the Sawm without any breaks. What should I do, please guide me?**

**A:** If you broke your Sawm due to a legal excuse such as illness and resumed Sawm after your recovery, Your Sawm is valid. If you broke the Sawm with no excuse, you have to repeat the two consecutive months, as indicated by the Ayahs (Qur'anic verses) and Hadiths.

It is not sufficient to observe Sawm for less than sixty days unless the month was twenty-nine days. May Allah grant us success!

## 242- Ruling on freeing a slave after starting Sawm for two consecutive months

**Q: When a man started observing Sawm (Fast) for two consecutive months as Kaffarah (expiation) for killing a soul, he found a slave. He stopped Sawm and freed this slave. Is he to be blamed for not completing the Sawm?**

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**A:** No, there is no harm on him as freeing a slave is given precedence over Sawm for whoever can afford it. Allah (Glorified be He) says: ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other.﴿ .

## Book on Hudud (ordained punishments for violating Allah's Law)





### 243- Enormity and injustice of Riyadh bombing

His Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, the General Mufty (Islamic scholar qualified to issue legal opinions) of the Kingdom of Saudi Arabia, Chairman of the Council of Senior Scholars, and the Departments of Scholarly Research, Ifta', Da`wah, and Guidance stressed that the explosions which took place in Riyadh, last Monday were a heinous crime that caused the death and injury of many people and did great mischief in the country. It also caused the destruction of houses, cars, etc.

His Eminence confirmed that the wicked souls of those who did such evil act were filled with hatred, envy, evil, and corruption. They do not have true belief in Allah and His Messenger.

He advised anyone who knows anything about those evildoers to report them to the police. Doing so is considered to be one of the aspects of cooperation in removing harm and aggression and cooperation in establishing justice against those evildoers.

This was the answer of His Eminence to the question introduced by Al-Madinah newspaper concerning the punishment of those who targeted civilians and destabilized the security of civilians as in



Riyadh bombings. Those criminals terrorized and killed the innocent, and frightened the servants of Allah (Glorified and Exalted be He). Following is the text of his reply:

Undoubtedly, the Riyadh bombing is an evil and wicked act that caused great evil and tremendous oppression. There is no doubt also that those people who committed such wicked acts are not true believers in Allah and the Last Day. There is no true believer in Allah and the Last Day who may commit such an evil and wicked act that causes such great harm and devastation. This action can only be done by wicked people whose hearts are filled with hatred, envy, evil, corruption, and disbelief. We ask Allah to safeguard us against all these things and grant us well-being. We ask Allah also to support those in authority to find those criminals and punish them for their crime. This is because their crime is great and their corruption is tremendous. There is neither power nor might

except with Allah. How could a Muslim commit such a henious crime that causes this great mischief, kill and injure innocent people. We ask Allah to help the police to catch and punish those criminals and we ask Him to defeat them and those who help them.



I advise all those who have any information about them to report them to the concerned authorities. This is considered to be cooperation in removing evil and aggression and protecting people's well-being and security against evil and aggression. Doing so enables those who are in authority to establish justice and punish evil doers for whom and their likes Allah says: ﴾The recompense of those who wage war against Allâh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter.﴿

He who enforces people to pay him five, ten or one hundred Riyals is considered to be committing mischief in the land. Then, what will be the case with those who shed blood, destroy corps and cattle and oppress people. This is a great crime and tremendous mischief.

Stealing people's money on roads and markets is a great evil and tremendous crime. But this bombing caused the death and injury of many people, mischief in the land and destruction of houses, cars and other things. There is no doubt that this is one of the great crimes and mischief in the land. The doers of this evil deserve to be punished by killing and cutting their hands and legs as a recompense for what they did. We ask Allah to defeat their trials



and cause them to be caught. We ask Allah to safeguard us against their evils and the evil of their likes. We supplicate to Allah to cause them to be defeated by others and to make their conspiracies a

cause for devastating them and their likes. He is Most Bountiful and Most Generous. We ask Allah also to grant the state success in catching and punishing them with what they deserve. There is neither might nor power except with Allah!

### 244- Important advice to

### Yemeni rulers, wise persons and fighters

This letter is from `Abdul-`Aziz ibn `Abdullah ibn Baz to the leaders and wise people fighting in Yemen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Fear Allah regarding all the people of Yemen. I advise you to fear Allah regarding weak people who cannot defend themselves, women and children, the elderly, the sick and the injured. Do not ruin the crops, shed more blood, knock down houses and destroy everything.

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Do not use bombs that devastate everything! Where are your minds? Where is your wisdom? Be merciful to babies, old people, women and the disabled. By fighting each other, you are only giving the enemies of Islam a reason to gloat. You do nothing but destroying your country with your own hands. Do not fill people's hearts with spite. Rather, prevent bloodshed and preserve what remains of blood relations and brotherhood in Islam. Beware of immoderation and return to the Qur'an and Sunnah (whatever is reported from the Prophet). Return to the Qur'an whenever you disagree, may you be among the successful! Allah (Glorified and Exalted be He) says: ﴾(And) if you differ in anything amongst yourselves, refer it to Allâh and His Messenger (صلى الله عليه وسلم), if you believe in Allâh and in the Last Day. That is better and more suitable for final determination.﴿ And: ﴾And in whatsoever you differ, the decision thereof is with Allâh (He is the ruling Judge).﴿

Dear leaders! Fear Allah in relation to His servants. Do not lead them to incurring deadly enmities, severing the ties of kinship and inflicting deep wounds. Seek Allah's Refuge from going on with this war and becoming among those described by Allah (Exalted be He) as, ﴾Would you then, if you were given the authority, do mischief in the land, and sever your ties of kinship?﴿ Seek not to be among those about whom Allah

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says: ﴾And when he turns away (from you "O Muhammad "صلى الله عليه وسلم"), his effort in the land is to make mischief therein and to destroy the crops and the cattle, and Allâh likes not mischief.﴿

Fear Allah through Whom you demand your mutual rights and do not cut the relations of kinship. Abstain from doing these purposeless acts which will harm you before anyone else. They are nothing but great mischief and Allah has forbidden seeking mischief. Allah says: ﴾"But seek, with that (wealth) which Allâh has bestowed on you, the home of the Hereafter, and forget not your portion of lawful enjoyment in this world; and do good as Allâh has been good to you, and seek not mischief in the land. Verily, Allâh likes not the Mufsidûn (those who commit great crimes and sins, oppressors, tyrants, mischief-makers, corrupters)."﴿ And: ﴾Verily, Allâh does not set right the work of Al-Mufsidûn (the evil-doers, corrupters).﴿ Remember Allah's blessings to you and follow the Ayah (Qur'anic verse) where Allah (Exalted be He) says: ﴾So remember the graces (bestowed upon you) from Allâh, and

do not go about making mischief on the earth.》

Dear leaders! Learn from what has happened to other Muslim countries around you. They live in destruction, enmity, ruin and chaos. May Allah guide them!



I advise you to save your nation - and maintain its interests - from the afflictions of this war and this can be done by returning to the truth and guidance in the Qur'an. Use your wisdom and mercy to solve your problems according to Shari`ah (Islamic law). Why can you not discuss things rationally and reach a conclusion, considering the nation's best interest! Seek refuge with Allah from taking this dangerous road which leads to war. Do not keep on kindling it, for it will burn men, women, children, crops and the nation's capabilities, as you have seen.

I am only giving you this advice because I pity you and it saddens me to see you fighting and destroying each other's houses. This conduct will not be accepted from the enemies of your religion, let alone your brothers who face the same Qiblah (direction faced for Prayer towards the Ka`bah), recite the same Book and follow the same Prophet (peace be upon him)! Be kind, for Allah grants for kindness that which He does not grant for severity. Allah loves those who show mercy and shows them Mercy. The Prophet (peace be upon him) said: 《The Merciful shows mercy to those who show mercy. Show mercy to those on earth and the One Who is in Heaven will show mercy to you.》.



He (peace be upon him) also said: 《Anyone who does not show mercy, will not be shown mercy.》 Furthermore, Allah (Glorified be He) exhorts making peace and praises those who do so. Allah (Glorified be He) says: 《and making peace is better.》 And: 《There is no good in most of their secret talks save (in) him who orders Sadaqah (charity in Allâh's Cause), or Ma'rûf (Islâmic Monotheism and all the good and righteous deeds which Allâh has ordained), or conciliation between mankind》 And: 《So fear Allâh and adjust all matters of difference among you, and obey Allâh and His Messenger (Muhammad صلى الله عليه وسلم), if you are believers.》

Accept this advice from someone hurt to see Fitnah (temptation) spreading among Muslims and is sad to find them antagonizing one another and taking up arms against each other.

May Allah benefit you with my advice and guide you to prevent the dangers of wars, for He is Ever-Near and Responsive! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

**The General Mufty of the Kingdom of Saudi Arabia**

**Chairman of the Council of Senior Scholars and the Departments of Scholarly Research and Ifta',**

**and Head of the Constituent Assembly of the World Muslim League in Makkah**

## 245- Remarks on what was written by

## Shaykh `Abdul-Rahman ibn `Abdul-Khaliq in his book

## "The obligation of limiting prescribed penalties"

In page 26 of your book entitled "The obligation of limiting prescribed penalties", you said:

"Third, eliminating the causes of crime before applying the punishment. Apart from fanaticism and ignorance, I say that it is definitely impermissible to apply the legal punishment before eliminating the causes of crime. We have to excuse the criminal if they were under the influence of monopoly, injustice, absence of social solidarity and spread of selfishness."

You also said that in such a society there may be an excuse for whoever is obliged to commit theft or Zina (adultery) to support her child, old mother, or sick father. It is a sign of naivety and ignorance that we punish the adulterer while we allow all kinds of wantonness and libertinism. Therefore, it is neither rational nor wise to apply criminal Hudud (ordained punishments for violating Allah's Law) before eliminating all the causes leading to the concerned crimes.



What has been mentioned above is incorrect and contradictory to the truth. I do not know of any scholar who said the same except a narration that `Umar (may Allah be pleased with him) suspended the application of theft Hadd during the year of famine. However, even if such a narration is Sahih (authentic), the issue still needs Ijtihad (juristic effort to infer expert legal rulings) and insight. Anyway, explicit texts of Qur'an and Sunnah (whatever is reported from the Prophet) clearly state the obligation of executing the Hadd on whoever is proven to be guilty.

You have thus to withdraw what you have mentioned in this book and declare this in local newspapers in Kuwait and Saudi Arabia. You also have to declare this in a special book in which you redress all your mistakes. It is well known that Al-Haqq (the Truth) is firm as `Umar (may Allah be pleased with him) told Abu Musa Al-Ash`ary (may Allah be pleased with him). Consequently, returning to Al-Haqq is better than persisting in falsehood. May Allah guide us all to what pleases Him! May He safeguard us all against what incurs His Anger!

## 246- The evidence on executing a person who apostatizes (recants Islam)

**Q: In a radio program, I heard a speaker claim that there is no evidence in the Noble Qur'an, the Hadiths or even in a Fatwa (legal opinion issued by a qualified scholar) permitting the execution of a Murtad (apostate) from Islam. Please enlighten us on the validity of that claim.**

**A:** The Noble Qur'an and the purified Sunnah (whatever is reported from the Prophet) have verified the obligation of executing a Murtad if they refuse to repent, and this is illustrated in Allah's (Glorified be He) Saying inSurah Al-Tawbah, ﴿Then when the Sacred Months (the 1st, 7th, 11th, and 12th months of the Islâmic calendar) have passed, then kill the Mushrikûn (See V.2:105) wherever you find them, and capture them and besiege them, and lie in wait for them in each and every ambush. But if they repent and perform As-Salât (Iqâmat-as-Salât), and give Zakât, then leave their way free. Verily, Allâh is Oft-Forgiving, Most Merciful.﴾ Thus, the noble Ayah indicates that whoever does not repent should not be freed.

Al-Bukhari narrated in his Sahih on the authority of Ibn `Abbas (may Allah be pleased with him) that the Prophet (peace be upon him) said, ﴿If somebody (a Muslim) discards his religion, kill him.﴾ Also, it is reported in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) on the authority of Mu`adh (may Allah be pleased with him) that he said to a Murtad whom he saw at Abu



Musa Al-Ash`ary's in Yemen "I will not dismount, i.e. my riding animal, until he is executed. This is the Ruling of Allah and His Messenger".

There are also many other proofs that have been illustrated by scholars under the title, "The ruling on a Murtad", according to the Four Madh-habs (Hanafy, Maliky, Shafi`y, and Hanbaly Schools of Jurisprudence). Thus, whoever wants to know further about that should refer to the mentioned section.

On the other hand, whoever denies this is an ignorant and straying person who should be disregarded. Not only this, but they should also be advised and informed (of the right ruling), as they might then be guided. Allah is the One Who grants success.

## 247- The obligation on everyone to cooperate

## with the government and the courts in fighting narcotics

**Q: Your Eminence, what is your comment on the phenomenon of narcotic addiction that began to spread in the Islamic communities? How can a citizen take part in fighting this phenomenon?**

**A:** Narcotic addiction is a fatal disease that bodes manifest evil and dangerous consequences. The government, may Allah grant it success, has been exerting great efforts in fighting it,

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and the courts have enacted necessary deterrent punishments. So, the people should in turn cooperate with the government and courts in combating all kinds of narcotic addiction through advice, Islamic guidance, and verbal and practical admonition. Everyone should begin with themselves, devotedly fighting it verbally and practically, advise their Muslim fellows and point out to them its serious dangers and evil consequences, according to Allah's (Glorified and Exalted be He) saying, ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ He (Glorified and Exalted be He) also says, ﴾By Al-'Asr (the time).﴿ ﴾Verily, man is in loss,﴿ ﴾Except those who believe (in Islâmic Monotheism) and do righteous good deeds, and recommend one another to the truth [i.e. order one another to perform all kinds of good deeds (Al-Ma'ruf) which Allâh has ordained, and abstain from all kinds of sins and evil deeds (Al-Munkar which Allâh has forbidden], and recommend one another to patience (for the sufferings, harms, and injuries which one may encounter in Allâh's Cause during preaching His religion of Islâmic Monotheism or Jihâd).﴿ May Allah guide us and all the Muslims, grant us success, and keep us away from all that incurs His (May He be Glorified) Wrath!

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## A warning against gambling

## consuming intoxicants, and Gharar sales

Praise be to Allah. May peace and blessings be upon His Messenger, his family and his Companions!

Indeed, Allah (May He be Glorified) has made lawful to people good foodstuff, drinks, and transactions due their need for them and to the manifest usefulness and harmlessness of such things.



He (Glorified and Exalted be He) also prohibited all evil foodstuff, drinks, and transactions due to their great harm and uselessness, or due to the fact that their inherent harm overweighs the benefit derived from them. Here, Allah (Glorified be He) says inSurah Al-Ma'idah, ﴾They ask you (O Muhammad صلى الله عليه وسلم) what is lawful for them (as food). Say: "Lawful unto you are At-Tayyibât [all kind of Halâl (lawful-good) foods which Allâh has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits)].﴿ and also says in the same Surah ﴾O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansâb, and Al-Azlâm (arrows for seeking luck or decision) are an abomination of Shaitan's (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.﴿ ﴾Shaitân (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allâh and from As-Salât (the prayer). So, will you not then abstain?﴿ ﴾And obey Allâh and the Messenger (Muhammad صلى الله عليه وسلم), and beware (of even coming near to drinking or gambling or Al-Ansâb, or Al-Azlâm, etc.) and fear Allâh. Then if you turn away, you should know that it is Our Messenger's duty to convey (the Message) in the clearest way.﴿ Besides, He (Exalted be He) says inSurah Al-A`raf,describing our Prophet Muhammad ibn `Abdullah (peace be upon him), ﴾Those who follow the Messenger, the Prophet who can neither read nor write (i.e. Muhammad صلى الله عليه وسلم) whom they find written with them in the Taurât (Torah) (Deut, xviii 15) and the Injeel (Gospel) (John xiv, 16), - he commands them for Al-Ma'rûf (i.e. Islâmic

Monotheism and all that Islâm has ordained); and forbids them from Al-Munkar (i.e. disbelief, polytheism of all kinds, and all that Islâm has forbidden); he allows them as lawful At-Tayyibât (i.e. all good and lawful as regards things, deeds, beliefs, persons, foods), and prohibits them as unlawful Al-Khabâ'ith (i.e. all evil and unlawful as regards things, deeds, beliefs, persons and foods), he releases them from their heavy burdens (of Allâh's Covenant with the children of Israel), and from the fetters (bindings) that were upon them. So those who believe in him (Muhammad صلى الله عليه وسلم), honour him, help him, and follow the light (the Qur'ân) which has been sent down with him, it is they who will be successful.) Through these verses, Allah (Glorified be He) explains that He has made lawful

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for His Slaves good things and forbidden impurities. He (Glorified be He) also clarifies that Khamr (intoxicants) is one of these evil things because of its harmful effects, such as befogging the mind, ensuing enmity and hatred, and instilling negligence of religious obligations of Dhikr (Remembrance of Allah) and offering Salah (Prayer). Khamr is thus regarded as the source of all evil and a means to committing sins. It is one of the most abominable major sins. That is why Allah has promised those who drink Khamr and do not repent before their death to give them Tinat Al-Khabal, which is the discharge of the people of Hell-fire, to drink. We seek refuge with Allah.

Another evil thing is gambling, being evil due to its bad consequences, such as the loss of wealth, unjust acquisition of money, kindling hatred and enmity, and instilling negligence of the obligation of Dhikr and offering Salah.

Today, many people gamble without taking heed of what Allah and His Messenger said regarding its prohibition or its evil and harmful consequences. This is due to their greed, covetousness, and desire to obtain money by any means, even if it invokes Allah's Wrath and punishment or the loss of wealth and self-destruction in the Hereafter. This is due to the love of and greed for wealth and to forgetfulness of the evil consequences of collecting it through prohibited means, such as gambling and Gharar sale (uncertain sale), in this worldly life and in the Hereafter. It is authentically reported that the Prophet (peace be upon him) (forbade Gharar sale.)

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An example of the transactions that are regarded as forms of gambling and of Gharar sale in our present time is what some companies and traders do of giving small luck-based gifts along with some commodities that are to be sold. This is to drain the wealth of Muslims and encourage them to buy commodities having gifts attached to them with the natural consequences of expensive prices and sale-rate increase, to the interest of such companies. Undoubtedly, this kind of transaction is a form of gambling and Gharar sale as the customer spends his money in return for an uncertain sum of money. This is a kind of gambling and Gharar sale, against which Allah and His Messenger warned us. Selling cards with numbers to people so they may win prizes, if they get the required number, is another type of gambling which Allah has prohibited, as it entails danger and illicit acquisition of money. Dear Muslims fellows! You must fear Allah! You have to avoid and warn others against such prohibited transactions. Spend your money only in the proper way, which does not contradict Allah's Law. Do not help your enemies and greedy traders and companies steal your money and incur Allah's Anger. The government, may Allah grant it success, should prevent these transactions. It should also prevent the import such commodities which include hidden prizes as it makes people indulge in

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gambling, leads to the loss of wealth and destroys society. May Allah guide the government and the

Muslims to the path of success and prosperity of the Ummah (nation). May Allah guide us all to that which pleases and draws us close to Him and that benefits the Muslims; as He is Able to do all things. May peace and blessings of Allah be upon His Slave and Messenger Muhammad, his family, and Companions.

**Chairman of**

**the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance**

## Overcoming the consequences of the crime of Zina

**Q: What should an adulterer do to overcome the consequences of the crime of Zina (premarital sexual intercourse and/or adultery)?**

**A:** Zina is one of the prohibited and grievous major sins. Allah has threatened the Mushrikin (those associating others in worship with Allah), those who kill people with no just cause, and the adulterers that they will endure a double punishment on the Day of Resurrection, which they will eternally suffer due to their horrible crimes. Allah (Glorified be He) says,

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﴾And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except for just cause, nor commit illegal sexual intercourse - and whoever does this shall receive the punishment.﴿ ﴾The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace;﴿ ﴾Except those who repent and believe (in Islâmic Monotheism), and do righteous deeds﴿ Therefore, whoever commits that crime should sincerely offer sincere Tawbah (repentance), and follow it up with True Iman (Faith) and righteous deeds. However, sincere Tawbah is attained only when a person quits a sin, regrets having committed it, and truly resolves not to return to it again, out of fear and reverence of Allah (Glorified be He), and bewares of His Punishment. Allah (Exalted be He) says, ﴾And verily, I am indeed forgiving to him who repents, believes (in My Oneness, and associates none in worship with Me) and does righteous good deeds, and then remains constant in doing them, (till his death).﴿ Accordingly, every Muslim should beware of this grievous sin and the means leading to it. They should also hasten to observe sincere Tawbah from past sins. Thereupon, Allah will indeed accept the Tawbah of the true repentant and will forgive them.

## 250. Are there certain conditions regarding those carrying out the stoning of sinful persons in fulfillment of the Had

**Q: The Shar`y (Legal) Court in the city of Ta`iz, in Yemen ruled the stoning a woman for having committed Zina (extramarital intercourse; adultery). Some people would hesitate to carry out the ruling saying that the stoner should meet some conditions, including that he be sinless and something of the like. Guide us in this regard, may Allah reward you with the best!**

**A:** I am very pleased with the ruling of the court of Ta`iz , that is stoning the married woman who committed Zina, in application of the Had (ordained punishment for violating Allah's Law, pl. Hudud) of Allah, which most Islamic countries overlook. May Allah reward those in charge of the court with the best! May Allah help the government of Yemen and other Islamic governments to apply the Shari`ah of Allah to His Servants with regard to Hudud and affairs. Undoubtedly, ruling by the Shari`ah of Allah sets right people's affairs and brings them happiness in this worldly life and in the Hereafter. Muslims should cooperate on this. Anyone who undertakes stoning the one who committed Zina is to be rewarded. No one should abstain from carrying this out if the Shari`ah ruling of stoning is issued. The Prophet (peace be upon him) ordered the Sahabah (Companions of the Prophet, may Allah be pleased with them) to stone Ma`iz Al-Aslamy, the two Jews



and Al-Ghamydiyyah and others, and the Sahabah (may Allah be pleased with them) hastened to do this. May Allah guide Muslims to follow in their footsteps with regard to Hudud and other matters!

It is a not a condition that the one who carries out stoning should be infallible or sinless because the Messenger of Allah (peace be upon him) did not stipulate it. So, it is not permissible for anyone to stipulate a condition that is not supported by any proof in the Book of Allah or the Sunnah (whatever is reported from the Prophet). May Allah grant us success!

## 251- Does the wife of a person committing Zina become unlawful to him?

**Q: If a married man commits adultery, will his wife be unlawful to him, and similarly the husband of a woman who does so?**

**A:** None of them will be unlawful to the other, but if one fell into such a sin, they are required to have sincere repentance to Allah (may He be Exalted and Glorified), maintain believe in Him and do good deeds. Sincere repentance is realized by giving up sins, regretting having committed it and determining sincerely not to return to them out of fearing Allah, glorifying Him, hoping for His Reward and fearing His Punishment. Allah (Glorified be He) says,

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(And verily, I am indeed forgiving to him who repents, believes (in My Oneness, and associates none in worship with Me) and does righteous good deeds, and then remains constant in doing them, (till his death).) He (Glorified be He) also says, (O you who believe! Turn to Allâh with sincere repentance!) and (And all of you beg Allâh to forgive you all, O believers, that you may be successful) Besides, Zina (premarital sexual intercourse and/or adultery) is one of the most grievous unlawful acts and one of the major sins. Thus, Allah has threatened the polytheists, those who kill people without right and those committing Zina with doubling their punishment on the Day of Judgment and that they will remain in this punishment due to the gravity of their crime and the repulsiveness of their acts. Allah (Glorified be He) says, (And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except for just cause, nor commit illegal sexual intercourse - and whoever does this shall receive the punishment.) (The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace;) (Except those who repent and believe (in Islâmic Monotheism), and do righteous deeds)

Hence, it is obligatory on every Muslim, man and woman, to keep away from this evil deed and the means leading to it, and to hasten into repentance to Allah from what has preceded of evil deeds, knowing that Allah (Glorified be He) accepts the repentance of the faithful penitents and forgives them. May Allah grant us success!

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## The ruling on committing Zina with a woman and marrying her after she got pregnant

**Q: A man had a relationship with a woman without a marriage contract or witnesses. After he came to know that she was in her third month of pregnancy, he contracted marriage and she gave birth. Then, she got pregnant for the second time during which he divorced her and after a week he gave her triple divorce (three simultaneous pronouncements of divorce). He asked an unscholarly person about that and he told him that there is nothing on him and that he had to resume his marriage. What is the ruling regarding her first baby and what about the triple divorce after which they continued their marital life, knowing that they now have three children?**

**A:** If the first affair was not established through a marriage contract, then this is - may Allah safeguard us - clear Zina (premarital sexual intercourse; fornication). Therefore, the child who was born through this affair is not to be attributed to the man but to the woman. The man in question should be stoned until he dies if he committed Zina while being married (to another woman) or lashed a hundred times and exiled for a year if he is unmarried. He should refer to the court in his country to learn what he should do. May Allah grant us and him guidance!

## 253- The ruling on a person who accuses his wife of committing Zina

**Q: Your Eminence, what do you think of a man who accuses his wife of committing Zina (adultery) - although she is innocent of it - only because she did not bleed on the wedding night (hymen rupture bleeding)? She has been living miserably with him because he doubts her chastity. Do you recommend that she leave him or what?**

**A:** If he accuses her of committing Zina, she may ask for applying the Had (ordained punishment for violating Allah's Law) of Qadhf (falsely accusing a chaste person of involvement in prohibited sexual relations) to him, which is eighty whips, unless she forgives him and he is guided by Allah to stop hurling such improper accusation. Otherwise, she may have him whipped eighty times, unless her Zina is proven by four witnesses or Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying) before the court. There is no harm in asking for a divorce if he insults her and doubts her chastity, even by giving him some money so that he divorces her.

## 254- The ruling on anyone who is afflicted with (indulgence in) obscenity

**Q: I am a twenty four year old man, and I practice Masturbation since I am not able to marry. Whenever I intend to observe Tawbah (repentance) of this act, I return to practice it over again. I have become an easy prey to such a nasty habit. Please clarify this matter to me, and whether or not it is prohibited. Furthermore, is the Hadith reading that "seven (categories of) people to whom Allah will not speak, praise, etc., including the masturbator" authentic or not. Please clarify this issue, may Allah reward you well!**

**A:** The act of Masturbation is an impermissible Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect), and a Muslim should quit this habit and observe Tawbah (repentance) to Allah, for it is inconsistent with Allah's (Glorified and Exalted be He) Saying, ﴿And those who guard their chastity (i.e. private parts, from illegal sexual acts)﴾ ﴿Except from their wives or (the slaves) that their right hands possess, - for then, they are free from blame;﴾ ﴿But whoever seeks beyond that, then those are the transgressors;﴾ It should also be avoided due to consequent harms that have been declared by scholars and physicians. Allah has prohibited for a Muslim that which is harmful to their religion or life. As for the Hadith of the seven people including the masturbator, scholars declared it as an unauthentic Da`if Hadith (a Hadith that fails to reach the status of Hasan, due to a weakness in the chain of narration or one of the narrators).

## 255- Stolen money must be given back to its owner

**Q: Dear Shaykh, there is a person who says: When I was fourteen years old, a relative of my father's from a foreign country used to visit him. I used to steal some of his hard currency and exchange them from the exchange market and then spend them. When I grew up, I regretted what I had done and made up my mind to return what I had stolen. Is it permissible for me to give it in charity, in all aspects of good, and intend that its reward be for him, though he is still alive?**

**A:** You have to return it to its owner by any means and you have no right to spend it. May Allah grant us success!

## 256- The ruling on stolen property whose owner is unknown

**From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Manager of the Department for Religious Affairs in the National Guard Camps, in Khashm Al-`An, may Allah protect you! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**This (correspondence) is in reply to your letter no. 8, dated 1/3/1407 A.H., and the attached Fatwa request submitted by one of the National Guard members about the lamb he and his mother took and hid from its owner who came to inquire about it.**

Please be advised that the Permanent Committee for Scholarly Research and Ifta' has studied the case and concluded that the mentioned person and his mother should perform Tawbah (repentance to Allah) of what they did, and then give the animal or its value in Sadaqah (voluntary charity) if they do not know its owner or his heirs. They may deduct the money they had spent on (feeding) the animal according to their careful assessment of it. May Allah guide everyone to what pleases Him. As-salamu `alaykum warahmatullah wabarakatuh.

**General Chairman of**

**the Departments of Scholarly Research, Ifta', Da`wah and Guidance**

## 257- The ruling on a person whose shoes were stolen so they took another pair in return

**Q: Many times, I have my slippers stolen and I sometimes find other slippers or a similar pair in place of my slippers, is it permissible for me to take those slippers instead of my stolen slippers? Answer me, may Allah reward you!**

**A:** It is better to avoid this for the person who takes your slippers may be somebody other than the owner of the slippers you found. However, if the slippers are similar and you take shoes similar to yours which you find in its place, then saying that this is permissible is close to right, as similarity is a cause. If they are not similar, they should not be taken as you may then take slippers of a person other than the one who took yours. Thus, it is better to leave them anyway, to be on the safe side.

## 258- Slight beating for the purpose of discipline is permissible

**Q: Sometimes, we slightly beat our sickly sister, though this causes us great pain. Is there any sin upon us for doing this?**

**A:** You should consider her condition and avoid whatever might worsen her case. If she cannot tolerate beating, it is not permissible for you to do that. Yet, if she suffers from a minor disease, and makes mistakes that call for which she deserves light punishment, then this is acceptable.

However, as is previously mentioned, you should carefully consider her condition, and if beating harms her, do not do that. But if punishment does not harm her and she is in need of discipline, so that she is deterred, there is nothing wrong with it.

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## The ruling on masturbation, sodomy and bestiality

**Q: What is the ruling on a person who masturbates on the pretext of fear of committing Zina (adultery)? And what is the ruling on sodomy and on bestiality? What are the Hudud (ordained penalties) on them?**

**A:** It is Haram (prohibited) for a Muslim to masturbate, according to Allah's (Glorified and Exalted be He) saying about the Mu'mins (believers), ﴾And those who guard their chastity (i.e. private parts, from illegal sexual acts)﴿ ﴾Except from their wives or (the slaves) that their right hands possess, - for then, they are free from blame;﴿ ﴾But whoever seeks beyond that, then those are the transgressors;﴿ As for sodomy or homosexuality, it is one of the gravest major sins. Allah dispraised the people of Lut (Lot, peace be upon him) in many Ayahs (Qur'anic verses) for doing this Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). He (Glorified be He) told us that it is an immoral act that has never been committed before, and that He tortured them for it and for their Kufr (disbelief) and misguidance.



It is indicated in the Qur'an that He (Glorified be He) destroyed their country through stones that fell from heaven and through causing the earth to swallow them. May Allah protect us and all the Muslims from their deeds and their end!

A sodomite deserves to be killed, whether he is married or not, if the deed is proven this through the Shari`y (legal) court, and the punishment is to be enforced by the ruler of the Muslims or his deputy.

As for bestiality, it is also prohibited. Thus, a person who does so should be subjected to Ta`zir (discretionary punishment) if the act is proven by the court. The Shari`y court is referential authority that should decide the way of Ta`zir. However, a group of scholars deemed that such a person should be killed. Yet, the most authentic opinion is that Ta`zir is enough, in the way the rule decides, because the Hadith which states that such a person should be killed is not Sahih (authentic). May Allah grant us success!

## 260- Legal treatment of a sinner

**Q: As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**I am a youth of 21 years of age. I have committed sodomy (sexual perversion) since I was 8 years old because my father was too busy to bring me up well. Now I regret this to the extent that I think of committing suicide, I seek refuge with Allah. What increases my pains and suffering is that my family want me to get married. I hope that your Eminence will guide me to the right path and the sovereign remedy for my problem so that I can get rid of the life of suffering that I live. May Allah reward you well!**

**A:** Wa `alaykum as-salam warahmatullah wabarakatuh

I ask Allah to grant you recovery from what you have just mentioned, which is certainly a hideous crime. Yet the remedy for it is easy, praise be to Allah. What you must do is to hasten to repent sincerely by regretting your past sins, giving up such a crime, and having the ultimate resolution never to do it again. Besides, you should befriend good people, keep away



from bad people, and hasten to get married. Then, have glad tidings of good, prosperity, and best outcome, if you are sincere in your repentance. Allah (Glorified and Exalted be He) says, ﴾And all of you beg Allâh to forgive you all, O believers, that you may be successful﴿ He (Glorified and Exalted be He) also saysin Surah Al-Tahrim ﴾O you who believe! Turn to Allâh with sincere repentance!﴿ In addition, the Prophet (peace be upon him) said, ﴾Penitence wipes out all the previous misdeeds.﴿ He (peace be upon him) also said, ﴾He who repents from sins is like the one who has never sinned.﴿ May Allah grant you success, mend your heart and deeds, and endow you with sincere repentance and good company. As-salamu `alaykum warahmatullah wabarakatuh

## 261- It is sufficient to return to Allah in repentance and not to return to your evil deed

In the Name of Allah, and peace and blessings be upon the most honorable of messengers, our Prophet Muhammad (peace be upon him)

This letter is not only to the Mufty of Saudi Arabia, but it is also (a message) to all faithful Muslims and all sinners, being myself a sinner. I committed the ever greatest sin that violates honor and disgraces humans, and I experienced both of them in the worldly life and I do not want to receive Allah's Punishment for it in the Hereafter.

Our respected Shaykh, I committed the grave sin of sodomy, and ever since I am completely destroyed. Please, do not mention to me the word of repentance for it has a great meaning and in my point of view nothing will absolve me from this sin except being subjected to the Had (prescribed penalty) and to be killed by sword so that my impure and tortured soul is relieved, in compliance with the case of the female Companion to whom the Prophet (peace be upon him) applied Had.

I do not want to indulge in meaningless sophistry. But I ask you, the kind and merciful spiritual father to the Muslims, to allow me entrance into Saudi Arabia even if shackled and to apply



the Had to me.

I wrote to one of the Shaykhs, but he advised me to repent to Allah and not to lose hope in Allah. I did not lose hope in Allah, but I cannot not think of myself standing before Allah while having committed this sin. I have offered `Umrah (lesser Pilgrimage) a year ago and I asked the Mufty of Al-Haram (the Sacred Masjid in Makkah) who said to me that whoever repents, Allah will accept their repentance. I am penitent but there is something I committed and I do not want to meet Allah while having committed it.

Please, dear Shaykh, I want to be punished with death and I hope that Allah may will look at me on the Day of Judgment and will be pleased with me. I have great confidence in Allah and I also have an upright family to whom I brought this dishonor. There is no doubt that what I committed is not a matter, considering Allah's forgiveness and mercifulness. Please, do not reject my request, I am between two fires and I entrust you with my matter about which I have informed you. As-salamu `alaykum warahmatullah wabarakatuh

**A:** Wa `alaykum as-salam warahmatullah wabarakatuh

You are required to repent to Allah (Glorified be He) and not to return to your bad deed, and this is

sufficient for you. For, the Prophet (peace be upon him) said, ﴾Repentance wipes out all that precedes it (of misdeeds).﴿ He (peace be upon him) also said, ﴾He who repents from his sins is like the one

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who has not committed a sin.﴿ Besides, Allah (Exalted be He) says, ﴾And He it is Who accepts repentance from His slaves, and forgives sins﴿ I thus recommend you to fear Allah, to repent sincerely and to keep away from bad company. And then have glad tidings of good result and acquittal for what you have committed. May Allah help us observe sincere repentance and grant us safety against any evil, for He is the Most Honorable One. As-salamu `alaykum warahmatullah wabarakatuh

## 262- Hudud are to be implemented in Makkah and Al-Madinah

**Q: Is it permissible to implement Hudud (sing. Had; ordained punishment for violating Allah's Law) in Makkah ?**

**A:** It is permissible to be implement Hudud in Makkah and Al-Madinah, since the person committing such Had-entailing crimes - such as those who commit Zina (premarital sexual intercourse and/or adultery) or burglary - has violated the sanctity of these places.

## 263- Does Tawbah wipe out major sins

**Q: I committed a major sin, does Tawbah (repentance) and Istighfar (seeking forgiveness from Allah) suffice in expiation for it?**

A: Allah wipes out all sins, even Shirk (associating others with Allah in His Divinity or worship), if one observes genuine Tawbah, according to His (Glorified be He) saying, ﴾And all of you beg Allâh to forgive you all, O believers, that you may be successful﴿ and His (Glorified and Exalted be He) saying inSurah Al-Furqan, ﴾And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except for just cause, nor commit illegal sexual intercourse - and whoever does this shall receive the punishment.﴿ ﴾The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace;﴿ ﴾Except those who repent and believe (in Islâmic Monotheism), and do righteous deeds; for those, Allâh will change their sins into good deeds, and Allâh is Oft-Forgiving, Most Merciful.﴿

He (Glorified be He) has indicated in these two Ayahs (Qur'anic verses) that anyone who commits Shirk, Zina (premarital sexual intercourse and/or adultery) or kills with no just cause will receive double torment on the Day of Resurrection, and will disgracefully abide in it,



except those who repent and perform righteous deeds. The Prophet (peace be upon him) also said, ﴾Tawbah wipes out all the previous misdeeds﴿ He (peace be upon him) also said, ﴾The one who repents from sin is like the one who has never sinned﴿ The conditions of genuine Tawbah through which Allah wipes out sins are three: **First,** showing regret over the past sins and misdeeds. **Second,** quitting them out of glorification and fear of Allah (Glorified be He). **Third,** having true will not to return to such sin. There is also a fourth condition for the validity of Tawbah, that is if the sin is related to a person - such as killing, beating, forcibly taking others' money and suchlike - it is necessary to give them their rights back or seek their forgiveness for that. We ask Allah to grant us and all Muslims success in observing sincere Tawbah from all sins, He is Most Generous, Most Bountiful.

264- Is it Wajib to inform people about one's sins after observing Tawbah?

**Q: Due to the nature of my work, I was tempted to commit some mistakes and sins relating to women. Such sins were less serious than Zina (premarital sexual intercourse and/or adultery). I also lied lest I should be exposed to scandals. Then, I have observed Tawbah (repentance to Allah). Do I have to tell**



**the truth about the sins I committed?**

**A:** Tawbah is indeed sufficient. When Allah protects a servant, they should not disclose the bad deeds and sins they committed. Allah (Exalted be He) accepts the Tawbah of whoever offers it. It is thus Wajib (obligatory) on you to observe Tawbah, beware of the means that lead to evils, Zina, and all things that Allah has prohibited. You also have to make Istighfar (seeking forgiveness from Allah). Again, you should not disclose your misdeeds or reveal your faults.

End of vol. 22

The following is vol. 23

that starts with the Book of Al-At`imah (foofstuff)